

Translation from Finnish  
Legally binding only in Finnish and Swedish  
Ministry of Education and Culture, Finland

## **Act on Early Childhood Education and Care (540/2018)**

By decision of Parliament, the following is enacted:

### **Chapter 1 General provisions**

#### **Section 1 Purpose of Act and scope of application**

This Act lays down provisions on the rights of a child to early childhood education and care (ECEC), the organisation and provision of early childhood education and care, and the data repository for early childhood education and care.

Early childhood education and care is provided as:

- 1) centre-based early education activities organised in early education centres;
- 2) family-based daycare arranged in family daycare premises;
- 3) open early childhood education and care activities organised in a suitable place.

This Act applies to centre-based early education activities and family-based daycare organised or provided by a municipality, joint municipal authority or independent service provider. The centre-based early education activities and family-based daycare referred to in this Act may be organised by and produced for the organising party by a municipality, joint municipal authority or a private service provider referred to in chapter 9.

In addition, municipalities or joint municipal authorities may organise open early childhood education and care activities as required in their area by providing the operations by themselves or by procuring them from a provider referred to in subsection 3. In addition to the provisions of this chapter, the organisation and provision of open early childhood education and care is subject to the provisions in sections 4, 10, 11, 20–22 and 24, chapters 10 and 11, and sections 63 and 64 of this Act.

Early childhood education and care may be provided for children who have not yet reached the age of compulsory schooling and, when special circumstances so require, also for older children.

Provision on pre-primary education are laid down in the Basic Education Act (628/1998). It must be ensured that children have the opportunity to participate in pre-primary education that is compliant with the Basic Education Act. The provisions of this Act on group size and staffing level in early education centres apply to pre-primary education organised in early education centres. In addition, sections 55–58 of this Act apply to the supervision of pre-primary education organised in early education centres.

## **Section 2**

### **Definition of early childhood education and care**

Early childhood education and care refers to a systematic and goal-oriented entity that consists of upbringing, education and care, with a special emphasis on pedagogy.

## **Section 3**

### **Aims of early childhood education and care**

The aims of the early childhood education and care referred to in this Act are to:

- 1) promote the holistic growth, development, health and wellbeing of every child according to the child's age and development;
- 2) support the conditions for the child's learning and promote lifelong learning and the implementation of equality in education;
- 3) carry out versatile pedagogical activities based on the child's play, physical activity, arts and cultural heritage, and enable positive learning experiences;
- 4) ascertain that the child's early childhood education and care environment fosters development and learning and is healthy and safe;
- 5) safeguard an approach that respects children and ensure that the interpersonal relationships between the children and the early childhood education and care staff are as stable and long-standing as possible;
- 6) provide all children with equal opportunities for early childhood education and care, promote parity and gender equality, and help the children develop their capacity to understand and respect

the general cultural heritage and each other's linguistic, cultural, religious and ideological background;

7) recognise the child's need for individual support and provide the child with appropriate support in early childhood education and care, including support involving multiprofessional cooperation where necessary;

8) develop the child's interpersonal and interaction skills, promote the child's ability to act in a peer group, and guide the child towards ethically responsible and sustainable action, respect of other people and membership of society;

9) ensure that the children can participate in and influence matters concerning them;

10) act together with the child and the child's parents or other persons who have custody of the child for the benefit of the child's balanced development and holistic wellbeing, and support the parents or other persons who have custody of the child in their task of bringing up the child.

Open early childhood education and care activities follow the goals of subsection 1 in a manner that suits their operations.

## **Chapter 2**

### **Organisation and provision of early childhood education and care**

#### **Section 4**

##### **Primacy of the interests of the child**

The planning, organisation or provision of early childhood education and care and associated decision-making shall take into account the interests of the child as the first priority.

#### **Section 5**

##### **Obligation of municipalities to organise early childhood education and care**

Municipalities shall organise the early childhood education and care referred to in this Act to the scope and in types of activity that meet the needs in the municipalities.

A municipality may organise early childhood education and care as provided in sections 8 and 9 of the Local Government Act (410/2015). When procuring services from another service provider, the

procuring municipality or joint municipal authority shall ensure the services being procured meet the standards required for an equivalent municipally organised activity.

Service vouchers as specified in the Act on Service Vouchers for Social Welfare and Health Care (569/2009) may be issued to the users of early childhood education and care. Municipalities and joint municipal authorities are obliged to pay compensation to a private service provider only for the early childhood education and care services used by the persons designated by the municipality or joint municipal authority, and when a service voucher is used, to pay in compensation to a private service provider endorsed by the municipality or joint municipal authority a sum which shall not exceed the value of the service voucher.

Municipalities shall strive to organise early childhood education and care near the users of the service, with consideration given to the distribution of residents and transport connections. The annual operation and daily opening hours of early education centres shall be organised so that they meet the local needs.

## **Section 6**

### **Obligation of municipalities to organise early childhood education and care on the basis of living and residence**

Municipalities shall organise early childhood education and care for children whose municipality of residence as referred to in the Municipality of Residence Act (201/1994) is the municipality in question.

Municipalities shall organise early childhood education and care for children who live in the municipality due to the work, studies, illness or comparable reasons of the parents or persons who have custody of the child, even if the child has no municipality of residence in Finland or if the child's municipality of residence is another municipality pursuant to the Municipality of Residence Act.

In urgent cases or if circumstances otherwise so require, a municipality shall ensure that early childhood education and care is also organised for children staying in the municipality who are not municipal residents.

Municipalities can also organise early childhood education and care for children living in another municipality in cases other than those referred to in subsections 1–3.

## **Section 7**

### **Multiprofessional cooperation and development**

When organising early childhood education and care, municipalities shall collaborate with those responsible for education, physical activity and culture, child welfare and other social welfare, maternity and child health clinics and other healthcare, and with any other organisations as needed.

Children's right to obtain healthcare and social welfare services and supportive measures in support of their development and wellbeing is subject to the provisions in the Social Welfare Act (1301/2014), the Act on Services and Assistance for the Disabled (380/1987), the Act on Special Care for People with Intellectual Disabilities (519/1977), the Health Care Act (1326/2010) and the provisions on healthcare and social welfare services elsewhere in the law. Where necessary, the organiser and provider of early childhood education and care shall collaborate with those responsible for healthcare and social welfare to comprehensively assess, plan and implement the support and services needed by the child. Provisions on contacting social welfare services for the purpose of assessing support needs are laid down in section 35 of the Social Welfare Act.

The organisers and providers of early childhood education and care can develop their operations in collaboration with municipalities and other organisers of early childhood education and care, as well as with the authorities, higher education institutions and other educational institutions, and research institutes and organisations.

## **Section 8**

### **Language used in early childhood education and care**

Municipalities shall ensure that a child can get early childhood education and care in Finnish or Swedish, or in a Sami language referred to in section 3, paragraph 1 of the Act on Sami Languages (1086/2003), depending on which of these is the child's mother tongue.

In bilingual municipalities or joint municipal authorities comprising both Finnish- and Swedish-speaking municipalities, early childhood education and care is organised in both languages of the municipality or joint municipal authority, so that the users of the service can obtain early childhood education and care in the language of their choice, in either Finnish or Swedish.

## **Section 9**

### **Daily duration**

As a rule, the daily duration of early childhood education and care may not exceed 10 consecutive hours, excluding shift care, where the daily duration is set to suit the needs of the child.

## **Section 10**

### **The environment of early childhood education and care**

The environment of early childhood education and care shall foster development and learning and be healthy and safe having regard to the children's age, development and other abilities. The children shall be protected from violence, bullying and other harassment. The premises and equipment need to be healthy, safe and expedient, and shall take accessibility into account.

## **Section 11**

### **Nutrition and meals**

Children in early childhood education and care shall be provided with the necessary healthy nutrition that meets each child's nutritional needs, subject to the nature of early childhood education and care provided in a location other than an early education centre or family daycare premises. Mealtimes are arranged in a supervised manner and meals shall be provided for all children who are present.

The provisions in subsection 1 do not apply to clinical nutritional preparations or comparable products which are compensated for under the Health Insurance Act (1224/2004), nor to compensation for foodstuffs when organising early childhood education and care for the children of a single family in their own home.

## **Chapter 3**

### **Right to early childhood education and care**

## **Section 12**

### **Right to early childhood education and care**

In addition to the provisions in section 5, the municipality shall ensure that, after termination of the period for which maternity allowance, parental allowance or partial parental allowance referred to in the Health Insurance Act can be paid and before the compulsory education referred to in the Basic Education Act starts, children receive municipal early childhood education and care for 20 hours per week in a location referred to in section 1, subsection 2, paragraph 1 or 2. However, the obligation to organise early childhood education and care shall not apply for the period during

which paternity allowance outside the maternity and parental allowance period referred to in chapter 9, section 7, subsection 1 of the Health Insurance Act can be paid.

By derogation from the provisions in subsection 1 above, early childhood education and care shall be organised on a full-time basis if the parents or other persons who have custody of the child work full-time within in the meaning of the Unemployment Security Act (1290/2002), or study, work as entrepreneurs or perform their own work full-time. Once the above circumstances end, early childhood education and care shall still be organised in accordance with this subsection for two months, except if a parent or other person who has custody of the child stays at home to take care of another child living in the same family or retires.

Children have the right to more extensive early childhood education and care than that laid down in subsection 1 to the extent necessary due to part-time or temporary employment, participation in a service promoting employment, rehabilitation or other similar reason of the parent or other person who has custody of the child.

Full-time early childhood education and care shall be organised for the child if it is necessary for the development, need of support or family conditions of the child, or if it otherwise serves the best interests of the child.

Notwithstanding the provisions of subsection 1, there is no obligation to organise early childhood education and care when the child participates in pre-primary education, or in another activity that will achieve the goals of pre-primary education referred to in the Basic Education Act, or in basic education. However, if the child has the right to more extensive early childhood education and care than laid down in subsection 1, early childhood education and care shall nevertheless be organised as needed.

### **Section 13**

#### **Organising shift care in early childhood education and care**

Shift care is organised in the evenings, at nights, on weekends and during bank holidays and public holidays in centre-based early education or family-based daycare. Shift care shall be organised to the extent necessary for children who need it due to the employment or studies of a parent or other person who has custody of the child or children.

### **Section 14**

## **Organising early childhood education and care by means of child home care allowance or private daycare allowance**

Parents or other persons who have custody of children referred to in section 12 above who do not opt to use the early childhood education and care place provided by the municipality and referred to in the same section have the right to an allowance under the Act on Child Home Care Allowance and Private Daycare Allowance (1128/1996) in order to arrange child care or early childhood education and care for their child in another way, as further specified in the said Act.

### **Section 15**

#### **Retention of a place in early childhood education and care**

The right to the same early childhood education and care place shall remain when a child is absent from early childhood education and care during the paternity allowance periods referred to in chapter 9, section 7 of the Health Insurance Act. Absences due to paternity allowance periods shall be reported to the early education centre or family daycare at least two weeks before the planned start date of the absence. The right to the same early childhood education and care place shall remain in the early education centre and, to the extent possible, in family daycare if the period of the early childhood education and care of the child changes in a way referred to in section 12, subsections 1–4.

## **Chapter 4**

### **Procedural rules**

### **Section 16**

#### **Guidance and advice**

Municipalities shall arrange guidance and advice for the parents or other persons who have custody of a child on the early childhood education and care services available to them. The guidance shall describe the various types of early childhood education and care, the available options and any other factors that affect the organising of the early childhood education and care for the child.

### **Section 17**

#### **Application procedure**

A parent or other person who has custody of a child who wants a place for their child in early childhood education and care organised by a municipality pursuant to section 12 shall submit an application at least four months before the child needs the place.

If the need for early childhood education and care is due to employment, studies, training or relocation to another municipality due to employment or studies, and the start time for the place cannot be determined in advance, a place in early childhood education and care shall be applied for as soon as possible, and no later than two weeks before the child needs the place.

Early childhood education and care shall be organised within the time period referred to in subsections 1 and 2, and no later than starting on the day the child needs the place. To the extent possible, early childhood education and care shall be organised in the form desired by the child's parent or other person who has custody of the child.

If a child in early childhood education and care faces an unanticipated need for more extensive early childhood education and care as laid down in section 12, subsection 2 or 3, the municipality shall, upon learning about the changed need, immediately organise an early childhood education and care place that meets the more extensive need.

## **Section 18**

### **Decision or agreement on the organisation of early childhood education and care**

Participation in centre-based early education activities or family-based daycare as laid down in this Act shall be based on a decision made by the municipality or a written agreement between a private service provider and the client, or both.

## **Section 19**

### **Procedures associated with the right to early childhood education and care**

Municipalities shall offer a child who has the right to early childhood education and care referred to in section 12, subsection 1 an opportunity to participate either in daily or part-weekly early childhood education and care, as determined by the child's parent or other person who has custody of the child. After hearing from the child's parents or other persons who have custody of the child, the municipality shall establish for a fixed period more specific, regular times for early childhood education and care on a child-to-child basis. The decision on fixed periods shall not be made in a way that prevents the fulfilment of the right laid down in section 12, subsection 1.

A parent or other person who has custody of a child shall present, at intervals determined by the municipality, an account of the requirements for more extensive early childhood education and care than that laid down in section 12, subsection 1. In addition, the municipality may require, for justifiable reasons, that such an account be presented at other times. A parent or other person who has custody of a child shall notify the municipality of any material changes that affect the right to more extensive early childhood education and care immediately after becoming aware of them.

## **Section 20**

### **Participation and exertion of influence**

When planning, implementing and assessing children's early childhood education and care, the children's opinion and wishes shall be ascertained and these shall be taken into account as appropriate for each child's age and stage of development.

A child's parents or other persons who have custody of the child shall be given an opportunity to participate in and influence the planning, implementation and assessment of the early childhood education and care of their child.

Children and their parents or other persons who have custody of the children shall be provided with regular on-site opportunities to participate in the planning and assessment of early childhood education and care.

## **Chapter 5**

### **Planning and evaluation of early childhood education and care**

## **Section 21**

### **National Core Curriculum for Early Childhood Education and Care**

The Finnish National Agency for Education issues the National Core Curriculum for Early Childhood Education and Care pursuant to this Act.

The purpose of the National Core Curriculum for Early Childhood Education and Care is to support and steer the provision, implementation and development of early childhood education and care and to promote the implementation of high-quality and equal early childhood education and care

The aim of the national core curriculum for early childhood education and care is to promote the equal implementation of early childhood education and care nationwide, implement the aims laid down in this Act for early childhood education and care, and guide the development of the quality of early childhood education and care. The national core curriculum for early childhood education and care gives provisions on key contents of the implementation of early childhood education and care, the collaboration between the organiser of early childhood education and care and the child's parents or other persons who have custody of a child, multiprofessional cooperation and the contents of the child's early childhood education and care plan. The Finnish National Agency for Education prepares the core curriculum in collaboration with the required parties.

## **Section 22**

### **Local early childhood education and care curricula**

Municipalities, joint municipal authorities and private service providers use the national core curriculum for early childhood education and care as the basis for their local curriculum for early childhood education and care. The curriculum can be formulated for a given provider, unit, group or type of activity, and it takes into account the pedagogical emphases and other factors pertinent to the organisation of early childhood education and care supplementing the national core curriculum for early childhood education and care. Municipalities can also create a joint curriculum.

The local curriculum for early childhood education and care shall take into account collaboration between the authorities working in the execution of early childhood education and care, education, and healthcare and social welfare, as well as the other stakeholders for cooperation referred to in section 7, and shall create the necessary structures for collaboration.

## **Section 23**

### **A child's early childhood education and care plan**

A personal early childhood education and care plan shall be prepared for each child in centre-based early education or family-based daycare, to implement the upbringing, education and care of the child. A child's early childhood education and care plan shall state the goals for implementing the early childhood education and care plan in a way that supports the child's development, learning and wellbeing, as well as stating the action to be taken to achieve these goals. The plan shall also record any support needed by the child, including the support measures and their implementation.

Each child's early childhood education and care plan is prepared together between staff members and the child's parent or other person who has custody of the child. Those in charge of the child's education, upbringing and care take part in preparing the plan. In early education centres, a person with a teaching qualification in early childhood education and care is in charge of preparing the plan. A special education teacher in early childhood education and care participates as necessary in the assessment of the child's need for support and of the child's support measures or of their implementation. The expertise of a social pedagogue in early childhood education and care can be used, especially in cases where knowledge of the service system for children and families is needed. The child's opinion shall be ascertained and taken into account when preparing the early childhood education and care plan. Other parties that can participate in preparing a child's early childhood education and care plan consist of other authorities, professionals and other stakeholders, if any, that support the development and learning of the child. If the assessment of the need for support requires the expertise of health and social services authorities, they shall participate in the assessment by request of the organiser of the early childhood education and care.

The implementation of each child's early childhood education and care plan, the child's need for support and the adequacy and expediency of support shall be assessed, and the plan shall be revised at least once a year. Where the needs of the child so require, the plan shall be revised more frequently.

## **Section 24**

### **Evaluation of early childhood education and care**

The purpose of the evaluation of early childhood education and care is to ensure the implementation of the purpose of this Act, support the development of early childhood education and care and promote the conditions for the development, learning and wellbeing of children. The organiser and producer of early childhood education and care shall evaluate the early childhood education and care they provide and participate in external evaluations of their operations.

The core results of the evaluation shall be made public.

## **Chapter 6**

### **Staff and qualification criteria**

## **Section 25**

### **Sufficient staffing**

Municipalities, joint municipal authorities and private service providers shall ensure that early childhood education and care has a sufficient number of staff with the qualification requirements laid down in this chapter, so that the goals set for early childhood education and care can be achieved and so that support can be provided to children with a disability and other children who need it. Municipalities shall make sure that the services of a special education teacher in early childhood education and care are available to the extent needed in early childhood education and care. Additionally, early childhood education and care may have other staff members with regard to the needs of the children and the objectives of early childhood education and care. Early education centres referred to in section 1 of this Act shall have a head who is in charge of its operations.

## **Section 26**

### **Teacher in early childhood education and care**

The qualification criterion for the role of teacher in early childhood education and care is at least a Bachelor's degree in Education, which includes studies that give the teacher professional skills for tasks in early childhood education and care. Further provisions on these studies may be issued by Government decree, and an existing Bachelor's degree in Education may be supplemented with the above-mentioned studies to meet the qualification criterion.

## **Section 27**

### **Social pedagogue in early childhood education and care**

The qualification criterion for the role of a social pedagogue in early childhood education and care is at least a Bachelor's degree in healthcare and social services, comprising at least 60 credits worth of studies oriented towards early childhood education and care and social pedagogy. Further provisions on these studies may be issued by Government decree, and an existing Bachelor's degree in healthcare and social services may be supplemented with the above-mentioned studies to meet the qualification criterion.

## **Section 28**

### **Childcarer in early childhood education and care**

The qualification criterion for the role of childcarer in early childhood education and care is a vocational upper secondary qualification in education and guidance, a vocational upper secondary qualification in healthcare and social services or some other suitable qualification that includes or

has been supplemented with adequately extensive study modules on the care, upbringing and education of children.

Further provisions on the eligible qualifications and adequate study modules referred to in subsection 1 above are issued by Government decree.

## **Section 29**

### **Family daycare childminder**

The qualification criterion for the role of family daycare childminder is a vocational qualification suitable for the task or other training suitable for the sector.

## **Section 30**

### **Special education teacher in early childhood education and care**

The qualification criterion for the role of special education teacher in early childhood education and care is:

- 1) a qualification for the role of teacher in early childhood education and care, in addition to which the person has completed studies that give him or her professional skills in special education; further provisions on such studies are issued by Government decree; or
- 2) a Master's degree in Education with special education as the major subject (training for a special education teacher in early childhood education).

## **Section 31**

### **Head of early education centre**

The qualification criteria for the role of head responsible for the operations of centre-based early education are a qualification of teacher in early childhood education and care or of a social pedagogue in early childhood education and care referred to in sections 26 and 27 and at least a Master's degree in Education, as well as sufficient leadership skills.

## **Section 32**

### **Qualifications for the staff of centre-based early education offering Steiner education**

The scope of studies of educators in early childhood education and care based on Steiner pedagogy shall correspond to at least the studies that provide the qualification referred to in

section 26. The Finnish National Agency for Education shall approve the curriculum of studies of educators in early childhood Steiner education and care, and any material changes to the curriculum before it is adopted.

In addition to the provisions on qualifications laid down in this Act, a person who has completed the studies in early childhood education and care based on Steiner pedagogy referred to in subsection 1 shall be qualified to work in an early education centre providing early childhood education and care based on Steiner pedagogy in a role that requires a qualification referred to in section 26.

### **Section 33**

#### **Temporary derogation from the qualification requirements**

If a position in early childhood education and care as laid down in sections 26–32 cannot be filled by a person who meets the qualification criteria, the position can be filled for a maximum of one year at a time by a person who, based on his or her completed studies, has adequate capabilities and skills required for performing the tasks of the position.

### **Chapter 7**

#### **Size, composition and in-service training of staff**

### **Section 34**

#### **Forming groups in early childhood education and care**

The groups in early childhood education and care shall be formed and the premises designed and used in a way that enables the objectives for early childhood education and care to be met.

### **Section 35**

#### **Number of staff in early education centres**

Early education centres shall have a sufficient number of staff for tasks in upbringing, education and care relative to the number and age of children in early childhood education and care and the time the children spend daily in early childhood education and care, and these staff members shall be qualified as teachers, social pedagogues or childcarers in early childhood education and care as laid down in this Act. Further provisions on the number of staff are issued by Government decree. The decree can set separate ratios for children aged three or older and for those aged under three years of age, and separate ratios for children aged three years or older who spend a maximum of

five hours a day in early childhood education and care and for those who spend more than five hours a day in early childhood education and care.

If an early education centre has one or more children with a disability or otherwise in need of support, such a child or children shall be taken into account in the number of children or in the number of people referred to in subsection 1, if the early education centre does not have an assistant for such a child. Assistants are not included in the number of staff referred to in subsection 1.

The maximum number of children permitted in a single group in an early education centre is a number of children that corresponds to three people acting in a role in early childhood education and care referred to in subsection 1.

## **Section 36**

### **Departures from the ratios in early education centres**

An early education centre may depart from the ratios referred to in section 35 if the average number of days of children in early childhood education and care are continuously and significantly lower than the number of operating days of the early education centre. The departure may take place in a way that the number of children simultaneously in an early education centre only exceeds the ratio briefly.

Additionally, the ratios referred to in section 35 may be departed from briefly and temporarily when the time spent by a child in early childhood education and care is extended in a manner referred to in section 17, subsection 4.

## **Section 37**

### **Composition of staff in early education centres**

At least two thirds of the persons referred to in section 35 who work in an early education centre in upbringing, education and care tasks shall be qualified teachers or social pedagogues in early childhood education and care, and at least half of these staff members shall be qualified teachers in early childhood education and care. Other staff members shall at least be qualified childcarers in early childhood education and care.

Section 37 enters into force on 1 January 2030.

## **Section 38**

## **Number of staff in family daycare**

To reach the goals laid down for early childhood education and care, family daycare premises shall have a sufficient number of people, in relation to the number of children, who are qualified as family daycare childminders as laid down in this Act. Provisions on the number of children who can simultaneously be present in family daycare premises in early childhood education and care are issued by Government decree. Additionally, provisions on the maximum number of children that may be cared for by two or three childminders together and the qualification criteria that apply in this case may also be issued by decree.

If the premises of a family daycare has one or more children with a disability or otherwise in need of support, such a child or children shall be taken into account in the number of people involved in the tasks of early childhood education and care, if the family daycare premises do not have an assistant for such a child or children. Assistants are not included in the number of staff referred to in subsection 1.

The provisions of this section do not apply to circumstances where family daycare is arranged for the children of a single family in their own home.

## **Section 39**

### **In-service training**

The organiser or provider of early childhood education and care shall ensure that the early childhood education and care staff participate sufficiently in in-service training that maintains and develops their professional skills. The implementation and effectiveness of in-service training shall be monitored and evaluated.

Further provisions on the content, scope, organisation, monitoring and evaluation of in-service training may be issued in a decree by the Ministry of Education and Culture.

## **Chapter 8**

### **Secrecy and exchange of information**

## **Section 40**

### **Secrecy**

The provisions of the Act on the Openness of Government Activities (621/1999) on secrecy and the parties' right of access as well as on access to a secret document also apply to early childhood education and care organised or provided by a private service provider.

In addition to the provisions in the Act on the Openness of Government Activities, information about a child's need for support, support measures and their implementation, and any information on the assessment of a child's personal characteristics, shall be kept secret.

The early childhood education and care plan referred to in section 23 of this Act shall be kept secret.

## **Section 41**

### **Right to derogate from the secrecy obligation**

Notwithstanding the provisions on secrecy, the organiser and producer of early childhood education and care have the right to obtain, free of charge, the information necessary to organise early childhood education and care for the child from the parents or persons who have custody of the child, education authorities, healthcare and social welfare authorities and from other providers of early childhood education and care services, healthcare and social welfare providers, as well as from healthcare and social welfare professionals.

The secrecy obligation notwithstanding, the people in charge of the early childhood education and care of a child and the people participating in the assessment of the need for support, support measures and implementation of support measures shall have the right to receive from and disclose to each other as well as to the organiser and provider of early childhood education and care any information that is necessary for organising and providing early childhood education and care and assessment of support.

If a child transfers to early childhood education and care organised by another organiser of early childhood education and care in accordance with this Act, or to pre-primary education or basic education in accordance with the Basic Education Act, the organiser of the previous early childhood education and care shall, notwithstanding the provisions on secrecy, provide without delay the information necessary for the provision of early childhood education and care for the child to the new organiser, or the information necessary for the provision of instruction and early childhood education and care to the organiser of pre-primary education or basic education. The corresponding information may also be disclosed upon request by the organiser of early childhood education and care, pre-primary education or basic education.

The secrecy obligation notwithstanding, a person carrying out the tasks referred to in this Act has the right to report to the police any information necessary for assessing a threat to life and health and for preventing such an act from occurring, if the person has become aware while carrying out his or her duties of circumstances on the basis of which he or she has the reason to suspect that someone is at risk of becoming a target of violence.

The information contained in the registers created to enable the execution of tasks laid down in this Act may be disclosed via a technical user connection to a party entitled to access the information. Before opening a technical user connection, the disclosing party shall ensure that the information is properly protected.

## **Section 42**

### **Right of access of parties engaged in planning, evaluation and monitoring**

When carrying out their duties, the organisers of early childhood education and care have the right to obtain the statistics and other corresponding information from central or local authorities that are needed to plan and organise early childhood education and care.

Upon request, the organiser and provider of early childhood education and care shall submit to the central or local authorities, free of charge, the information they require in order to evaluate, develop, generate statistics on and monitor early childhood education and care.

The supervisory authorities specified in section 52 of this Act have the right, notwithstanding the provisions on secrecy, to obtain from the organiser and provider of early childhood education and care and from each other, free of charge, any information required to carry out their duties.

## **Chapter 9**

### **Early childhood education and care provided by a private service provider**

## **Section 43**

### **Privately run early childhood education and care**

Privately run early childhood education and care means early childhood education and care that is provided by a private person, entity, foundation or an enterprise established by a public body as a business or professional activity in exchange for compensation. Private service providers are responsible for ensuring that the service package organised for the client on the basis of an agreement or administrative decision fulfils the requirements set for it.

A service provider shall fulfil the following general requirements:

- 1) the service provider is not bankrupt and, if he or she is a private person, is at least 18 years of age, his or her legal competency has not been restricted and he or she is not banned from engaging in commercial activities;
- 2) the service provider has not been in a position of control of an entity that has been declared bankrupt within the past three years;
- 3) the service provider does not have tax debts or other public debts in enforcement proceedings, debts that have been returned from enforcement proceedings with a certificate of lack of means nor any neglected obligations associated with taxes, statutory pension, accident or unemployment insurance contributions or other non-minor debts with regard to the service provider's solvency that endanger the service provider's trustworthiness;
- 4) no serious shortcomings in client safety have been detected in the service provider's previous operations, or if such shortcomings have been detected, the earlier notices and orders issued by a supervisory authority have resulted in the correction of the shortcomings and elimination of irregularities.

With respect to the requirements referred to above in subsection 2, paragraphs 2–4, a service provider shall be provided with an opportunity to demonstrate that they meet the requirements.

The provisions on a service provider laid down in subsections 1 and 2 shall also apply to a party who, on the basis of ownership, agreement or other arrangement, has control on behalf of the service provider.

## **Section 44**

### **Notification procedure for a private service provider**

Private service providers who engage in early childhood education and care activities in centre-based early education or family-based daycare in exchange for compensation shall submit a written notification of their operations before the operations commence or undergo substantial changes; the notification shall be submitted in the municipality in which the services are provided to the municipal decision-making body in charge of early childhood education and care referred to in section 50.

A notification on the commencement of operations referred to in subsection 1 above shall include:

- 1) the service provider's name, personal identity code or business ID, contact information and the name and contact information of the managing director or other person in charge of the business;
- 2) the names and contact information of the establishments where the operations are due to commence;
- 3) the service type of activity and method of provision and their planned extent at each site, approvals by authorities for the premises and equipment intended to be used in the service operations;
- 4) the number of places available in early childhood education and care at each site;
- 5) the name, personal identity code, contact information, education, work experience and role at the site of the head(s) and any other person in charge of the operations of the early education centre;
- 6) the number and education of the rest of the staff;
- 7) information on registration in an employer register referred to in the Prepayment Act (1118/1996);
- 8) the planned start date of operations;
- 9) the storage location of client documentation, a report on the main principles for client registry control, the person in charge of controlling the register and the Data Protection Officer;
- 10) the self-supervision plan referred to in section 48;
- 11) for persons not in a contractual employment relationship who work with children, an extract from the criminal records referred to in section 4, subsection 2 of the Act on Checking the Criminal Background of Persons Working with Children (504/2002);
- 12) other information required for the evaluation of the quality, safety and appropriateness of the services and for evaluating whether other objectives of early childhood education and care are met.

After receiving the notification referred to in subsection 1, the municipal decision-making body shall perform an on-site inspection immediately to verify that the operating environment for early childhood education and care and the early childhood education and care provided therein meet

the requirements set for early childhood education and care. Where necessary, the municipal decision-making body shall receive statements from the rescue and health protection authorities. After this, the municipality shall, without delay, give the information it has obtained from the early education centres to the Regional State Administrative Agency. Operations may commence or material changes to the operations implemented once the municipal decision-making body has verified that the requirements referred to above have been met. Premises used for living of a permanent nature may only be inspected if it is imperative to verify that the operating environment is safe and appropriate for early childhood education and care, and the safety and appropriateness cannot be adequately verified on the basis of the notification or its appendices referred to above. In other respects, the provisions of section 39 of the Administrative Procedure Act (434/2003) are observed.

Service providers shall submit, without delay, a written notification on the termination of operations to the municipal decision-making body that received the notification referred to in subsection 1. The municipal decision-making body shall report the information obtained on early education centres to the Regional State Administrative Agency.

Municipal decision-making bodies shall keep a list of operators of private family daycare.

Further provisions on the submission and content of the notification and documents to be attached to the notification may be issued in a decree by the Ministry of Education and Culture.

## **Section 45**

### **Person in charge**

Private service providers shall appoint a head in charge of the operations of centre-based early education referred to section 31; if the provider provides family daycare, the provider shall appoint a person in charge that fulfils the qualification criterion laid down in section 29. These persons are responsible for ensuring that the premises in which early childhood education and care is organised and the early childhood education and care provided therein meet the requirements set for them.

Private service providers shall submit, without delay, a written notification on any change of the person in charge and any changes to the contact details of the person in charge to the municipal decision-making body that received the notification referred to in subsection 44. The municipal decision-making body shall report the information obtained on early education centres to the Regional State Administrative Agency.

## **Section 46**

### **Storing data in a register**

The National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies maintain a national information system (a register on private service providers) for processing the notifications referred to in section 44 and for supervision of and statistics on private early childhood education and care. The Regional State Administrative Agency registers the service provider and its sites if they fulfil the requirements laid down in this Act. The decision on whether to register or reject a service provider is made by the Regional State Administrative Agency. A service provider may be removed from the service provider register if the service provider no longer fulfils the registration criteria laid down in section 43, subsection 2.

The following information on early education centres is stored in the register:

- 1) the information referred to in section 44, subsections 2 and 4 and section 45, subsection 2 above, excluding both the self-supervision plan and the extract referred to in section 44, subsection 2, paragraph 11.
- 2) information on changes to the operations;
- 3) information on any breaches of this Act and any provisions, regulations and administrative decisions issued under it, and on penalties imposed by supervisory authorities, as well as information on any inspections carried out by supervisory authorities and the outcomes of such inspections, and other information needed in the supervision; and
- 4) other information needed for the processing of and statistics on notifications when this information does not contain information referred to in Article 9 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

The Regional State Administrative Agency is responsible for the information they have stored in the register and for ensuring that the disclosure of the data is lawful. A supervisory authority may use the information in the register to the extent required by their tasks. Information on persons are deleted from the register after five years have passed from the termination of the operations referred to in this Act.

Registration of the notification is subject to a fee. Further provisions on fees are issued by Government decree.

## **Section 47**

### **Publication and disclosure of data in the register**

Supervisory authorities may publish and disclose via a public information network a private service provider's name and company name, form of operation and the address and contact information of each site of the provider stored in the private service provider registry. However, a self-employed person may prohibit the publication of his or her address and other contact information.

Information can be retrieved from the public information service only in the form of individual searches that are based on the name or registration number of the registered party.

With regard to service providers other than self-employed persons, a public information network may also contain other public information about their business operations.

Information on a service provider who has terminated their operations referred to in this Act may be published and disclosed in a public information network for a maximum of 12 months starting from the date the supervisory authority received the notification on termination.

The information stored on private service providers in the register may be disclosed via a technical user connection to a party entitled to access the information. Before opening a technical user connection, it shall be ensured that the information is properly protected.

## **Section 48**

### **Self-supervision plan**

Private service providers shall create a self-supervision plan to ensure the appropriateness of early childhood education and care activities. Private service providers shall keep the self-supervision plan publicly available and monitor its implementation. The National Supervisory Authority for Welfare and Health can issue regulations on the content, formulation and supervision of self-supervision plans.

## **Section 49**

### **Violation in early childhood education and care**

A party organising or providing private early childhood education and care who intentionally breaches the notification obligation laid down in section 44, organises or provides early childhood

education and care even when removed from the register referred to in section 46, or organises or provides early childhood education and care or pre-primary education in violation of an order or prohibition referred to in section 58, shall be sentenced for a violation in early childhood education and care with a fine, unless a harsher penalty is otherwise prescribed by law. Before prosecuting, the prosecutor shall give the municipal multi-member decision-making body referred to in section 50 an opportunity to submit their statement.

## **Chapter 10**

### **Administration and supervision**

#### **Section 50**

##### **Multi-member decision-making body of a municipality**

Municipalities' tasks laid down in this Act is undertaken by one or more multi-member decision-making bodies appointed by the municipality.

The task of the decision-making body is also to represent the municipality, supervise its rights and exercise the right to be heard in matters concerning the individual execution of children's early childhood education and care and to make agreements and other legal transactions on behalf of the municipality.

The statutory decision-making power of the decision-making body and its right to exercise the right to be heard may be transferred by an administrative regulation referred to in the Local Government Act to officeholders under the decision-making body.

When the early childhood education and care of two or more municipalities are managed entirely by one joint municipal authority, the joint municipal authority shall set up one or more joint decision-making bodies referred to in subsection 1 jointly for the member municipalities.

#### **Section 51**

##### **Central government steering system**

Overall planning, steering and supervision of early childhood education and care are the responsibility of the Ministry of Education and Culture.

Regional planning, steering and supervision of early childhood education and care are the responsibility of a Regional State Administrative Agencies.

The Finnish National Agency for Education acts as the expert agency in early childhood education and care.

In addition, the National Supervisory Authority for Welfare and Health steers the operation of Regional State Administrative Agencies to harmonise their operating principles, procedures and resolution practices in the steering and supervision of early childhood education and care.

Furthermore, the National Supervisory Authority for Welfare and Health steers and supervises early childhood education and care especially in the following:

- 1) matters that are important in principle or have far-reaching consequences;
- 2) matters that affect the area of operation of several Regional State Administrative Agencies or the entire country;
- 3) matters that the Regional State Administrative Agency is disqualified to process.

After negotiating with the Ministry of Social Affairs and Health, the Ministry of Education and Culture together with the National Supervisory Authority for Welfare and Health draw up a performance target document for early childhood education and care.

## **Section 52**

### **Supervisory authorities**

For early childhood education and care organised and provided by a municipality or a joint municipal authority, the supervisory authorities are the corresponding Regional State Administrative Agency and the National Supervisory Authority for Welfare and Health. For early childhood education and care organised and provided by a private service provider, the supervisory authorities are the corresponding Regional State Administrative Agency, the National Supervisory Authority for Welfare and Health and the municipal decision-making body or an officeholder referred to in section 50.

## **Section 53**

### **Steering, guidance and the ombudsman for social services**

The supervisory authorities referred to in section 52 above shall carry out the supervision primarily by providing necessary steering and guidance for organisers of early childhood education and care and by monitoring the development of the operations in collaboration with the organisers.

Also in matters related to early childhood education and care, the task of the municipal ombudsman for social services referred to in section 24 of the Act on the Status and Rights of Social Welfare Clients (812/2000) is to counsel the clients in matters related to the application of this Act, help a client to draw up an objection, issue information about the clients' rights, take other action to promote and implement the rights of the clients and to monitor the developments of clients' rights and position in the municipality and to report these developments annually to the local executive.

## **Section 54**

### **Objection and complaint**

A child's parent or other person who has custody of the child who is dissatisfied with the quality of early childhood education and care or treatment associated with it has the right to submit an objection about the operations to the head of an early education centre in charge of operations, to a person in charge of a site or to a senior officeholder of early childhood education and care. A site shall adequately inform its clients on the right of objection and ensure that submitting an objection is as easy as possible for the clients. As a general rule, an objection shall be made in writing. An objection may also be made orally on special grounds.

The objection shall be registered and processed appropriately and shall be replied to in writing within a reasonable time of submission of the objection. Appeals against responses given to an objection are not permitted. Making an objection does not restrict the right to appeal as provided separately. Furthermore, making an objection does not have any effect on the right to file a complaint on the case to the supervisory authorities.

A complaint is subject to the provisions of chapter 8a of the Administrative Procedure Act.

If no objection has been made on the case and the supervisory authority assesses that the most appropriate way to process the complaint is to process it as an objection, the authority may transfer the case to a relevant site or a senior officeholder in early childhood education and care for processing. The transfer shall be made immediately after the assessment. The complainant shall be notified of the transfer. The site shall inform the transferring supervisory authority about the reply to the transferred case. If the case is transferred, no decision on the complaint being inadmissible is made.

## **Section 55**

### **Right to inspect**

Supervisory authorities may inspect the operations, sites and premises referred to in this Act of organisers and service providers of early childhood education and care.

The National Supervisory Authority for Welfare and Health or a Regional State Administrative Agency may order a municipal decision-making body to inspect the site of a private service provider for justifiable reasons.

## **Section 56**

### **Carrying out the inspection**

The inspector shall be given access to all premises at the site. However, premises used for living of a permanent nature may only be inspected if the inspection is necessary to secure the client's position and appropriate services. In other respects, the provisions of section 39 of the Administrative Procedure Act are observed.

Notwithstanding the provisions on secrecy, all documents that are requested by the inspector and required to carry out the inspection shall be presented to the inspector. Moreover, the inspector shall be given, free of charge, any copies he or she might request of documents necessary to carry out the inspection. The inspector has the right to take photographs during the inspection. Outside experts whose assistance is necessary to carry out the inspection may accompany the inspector. Outside experts are subject to the provisions in the Administrative Procedures Act, Language Act (423/2003), Act on the Openness of Government Activities and sections 14 and 15 of the State Civil Servants Act (750/1994). An expert does not have the right to perform his or her tasks in premises used for living of a permanent nature except when accompanying the inspector he or she is assisting.

## **Section 57**

### **Admonition and drawing attention**

If, during the course of steering and supervision of early childhood education and care, it is found that the organiser of the operations has erred or neglected their obligations when organising or implementing activities pursuant to this Act, and the matter does not give rise to other action, the supervisory authority may issue an admonition for future operations to the organiser of early childhood education and care, a person in charge of wrongful acts in a municipality or joint municipal authority, or the person in charge of the operations of a private service provider.

If the matter does not give rise to an admonition or other action, the supervisory authorities may draw the attention of parties referred to in subsection 1 to the appropriate organisation of operations and adherence to good governance.

## **Section 58**

### **Issuing an order**

If shortcomings or other irregularities that endanger client safety are detected in the organisation or implementation of early childhood education and care, or the operations are otherwise in breach of this Act, or if a private service provider has not fulfilled their notification obligation, a supervisory authority may issue an order to remedy the shortcomings or eliminate the irregularities. The order shall state a deadline by which the necessary action shall be completed. If client safety requires, operations may be ordered to be suspended at once, or the use of the premises, a part thereof or a device may be prohibited with immediate effect.

A supervisory authority may require the organiser of the operations to comply with the order referred to in subsection 1 on pain of a fine or discontinuation of operations, or prohibition of the use of the site, a part thereof, or a device.

## **Section 59**

### **Collaboration between supervisory authorities**

Supervisory authorities shall collaborate with each other when performing the tasks laid down in this Act.

If, as a result of supervision activities under this Act, a municipal decision-making body learns of any shortcomings or irregularities, it shall notify the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency immediately and also report to these parties the action the municipal decision-making body has taken pursuant to sections 55–58 of this Act. The National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency shall report the action they have taken regarding a private service provider pursuant to sections 55–58 to the decision-making bodies of municipalities in whose area the services are being provided.

Supervisory authorities have the right to receive executive assistance from the police to carry out an inspection under section 56 and to impose a suspension and prohibition on use under section 58.

## **Chapter 11**

### **Funding and client fees**

#### **Section 60**

##### **Funding and government aid**

The activities organised by a municipality under this Act are subject to the Act on Central Government Transfers to Local Government for Basic Public Services (1704/2009).

Municipalities shall allocate resources to the early childhood education and care of children subject to government transfers.

Municipalities and joint municipal authorities may be granted discretionary government transfers, within the limits of the appropriation allocated in the state Budget, for operations under this Act as laid down in the Act on the Financing of Educational and Cultural Provision (1705/2009). In addition, discretionary government transfers may be granted to municipalities and joint municipal authorities for investments as laid down in the Act on Discretionary Government Transfers (688/2001). The government aid authority in matters concerning investment aid is the pertinent Regional State Administrative Agency.

#### **Section 61**

##### **Client fees**

Fees charged for early childhood education and care of children are subject to the provisions of the Act on Client Fees in Early Childhood Education and Care (1503/2016).

## **Chapter 12**

### **Legal remedies and appeal**

#### **Section 62**

##### **Appeal against a decision on the right to early childhood education and care and inclusion in early childhood education and care**

A request for an appeal against a decision on the early childhood education and care of a child may be made to the municipal multi-member decision-making body referred to in section 50 as laid down in the Administrative Procedure Act.

An appeal against a decision issued following a request for an administrative review may be made to an administrative court as laid down in the Administrative Judicial Procedure Act (586/1996).

An appeal may be made against the decision of an administrative court only if the Supreme Administrative Court grants leave to appeal.

### **Section 63**

#### **Appeal against a decision made by the supervisory authority in the course of their monitoring tasks and when acting as a register authority**

An appeal against a supervisory authority's decision issued under this Act may be made to an administrative court as laid down in the Administrative Judicial Procedure Act. An appeal may be made against the decision of an administrative court only if the Supreme Administrative Court grants leave to appeal.

Appeals against admonitions or attention drawing referred to in section 57 above are not permitted.

### **Section 64**

#### **Implementation**

A supervisory authority's decision suspend operations or to prohibit the use of a site or part thereof or a device may be implemented immediately despite an appeal if it is necessary for the safety of the clients.

The appellate authority may prohibit implementation of the decision or may order that it cease to have effect.

## **Chapter 13**

### **Data repository on early childhood education and care**

#### **Section 65**

##### **Scope of application**

This chapter lays down provisions on the data repository on early childhood education and care, data to be stored therein, transfer of the data stored and online services associated with the data repository. The data repository is not subject to the provisions on data disclosure in the Act on the Openness of Government Activities, with the exception of data disclosure for scientific research,

nor is the data repository subject to the provisions in section 21 on the production of sets of data on request referred to in the Act on the Openness of Government Activities.

## **Section 66**

### **Intended purpose of the data repository**

The intended purpose of the data repository on early childhood education and care is to:

- 1) enable data on early childhood education and care to be collected, processed and disclosed securely and electronically to the person in question or to their legal representative and to the authorities and researchers that need the information;
- 2) secure the consistency and reliability of the data on early childhood education and care specified in this Act and to increase the efficiency of administration;
- 3) promote the development of and decision-making on early childhood education and care that is based on correct and sufficient information.

The authorities may use the data stored in the data repository as necessary in order to carry out their statutory duties. The data in the data repository may also be used in the evaluation, statistics, monitoring and research of early childhood education and care.

## **Section 67**

### **Joint controllers of the data repository and their areas of responsibility**

Municipalities, joint municipal authorities or private service providers are responsible for the content and correctness of the data they have stored in the repository and are also subject to all the obligations of a controller except those that are laid down in this Act as being the responsibility of Finnish National Agency for Education. Municipalities, joint municipal authorities or private service providers that act as a controller shall ensure that the data stored is up to date.

The Finnish National Agency for Education is responsible for the general operations of the data repository and its application programming interfaces for data storage, processing and disclosure. The Finnish National Agency for Education is also responsible for the availability, integrity, unchangeability, security and storage of the data repository. The Finnish National Agency for Education is responsible for the lawfulness of data disclosure from the repository and for investigating whether the prerequisites for opening the application programming interfaces are met. The Finnish National Agency for Education is obligated to inform other controllers about the

opening of application programming interfaces. The Finnish National Agency for Education is responsible for granting a research permit for the disclosure of the data in the data repository. With respect to the data stored in the data repository, the Finnish National Agency for Education is responsible for the data subject's right of access and right to restrict processing pursuant to Articles 15 and 18 of the Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), and the notification obligation pursuant to Article 19 of the Regulation.

If the controller referred to in subsection 1 ceases to exist and the tasks of the controller are not transferred to another legal person, the controller for the data in question stored in the data repository shall be the Finnish National Agency for Education.

The Finnish National Agency for Education records the use of the service in a log. The data in the log form a log data register, the controller of which is the Finnish National Agency for Education.

## **Section 68**

### **Storing data in the data repository**

Municipalities, joint municipal authorities and private service providers are obligated to store in the data repository the data referred to in section 70 on the service they provide.

By derogation from subsection 1 above, municipalities or joint municipal authorities shall, in addition to the data on the services they produce themselves, store the data referred to in section 70, subsection 3, paragraphs 1 and 3–7 and section 70, subsection 4 on children in early childhood education and care organised in the manner referred to in section 5. Private service providers shall store the data referred to in subsection 4, paragraphs 1 and 2 on children whose early childhood education and care is not organised in the manner referred to in section 5.

The Finnish National Agency for Education issues further regulations on how the parties that store data shall keep the data up to date. The Finnish National Agency for Education issues further regulations on the data structures of the data provided in this chapter.

When storing data referred to in this Act on persons for the first time, the storing party shall obtain the person's learner number from the Finnish National Agency for Education. If the person has no learner number, the Finnish National Agency for Education shall create a learner number

pursuant to section 3 of the Act on the National Registers of Education Records, Qualifications and Degrees (884/2017).

## **Section 69**

### **Generating sets of data**

Each year, the Finnish National Agency for Education uses the data stored in the repository to generate sets of data for the evaluation, development, statistical analysis, research and other monitoring and steering of early childhood education and care as ordered by the Ministry of Education and Culture.

When creating the sets of data, the Finnish National Agency for Education may combine the data in the data repository with the data stored in the national data repository of basic education, upper secondary education and vocational education and the data in the national data repository of higher education institutions on the degrees and professional specialisation programmes completed by a person and the person's right to study in a programme leading to a degree.

When creating the sets of data, the Finnish National Agency for Education may also combine the data in the data repository with the data possessed by another authority when the authority grants permission to do so.

The combined personal data may not be disclosed to other parties.

## **Section 70**

### **Data on early childhood education and care**

The following data on providers of early childhood education and care and their sites shall be stored in the information repository:

- 1) name, business ID and contact information;
- 2) number of early childhood education and care places;
- 3) forms in which early childhood education and care is organised;
- 4) types of activity;
- 5) languages and emphases.

The following data on the staff of providers of early childhood education and care shall be stored in the information repository:

- 1) name, personal identity code, national learner ID, mother tongue, municipality of residence and contact information;
- 2) sites and the tasks referred to in this Act;
- 3) employment relationship and working time of the person;
- 4) the degree or qualification completed that confers the qualification referred to in this Act;
- 5) participation in in-service training;

The following data on children in early childhood education and care shall be stored in the information repository:

- 1) name, personal identity code, national learner ID, mother tongue, municipality of residence and contact information;
- 2) the site at which the child takes part in early childhood education and care;
- 3) the date of submission of the application referred to in section 17;
- 4) the start and end date of the decision or agreement referred to in section 18;
- 5) the scope of the right to early childhood education and care in hours and information on its use;
- 6) information on the organisation of early childhood education and care as shift care;
- 7) the form in which early childhood education and care is organised.

The following data on the parents or other persons who have custody of a child in early childhood education and care shall be stored in the information repository:

- 1) name, personal identity code, national learner ID, mother tongue, municipality of residence and contact information;

- 2) the amount of the client fee for early childhood education and care and the value of a service voucher;
- 3) family size referred to in the Act on Client Fees in Early Childhood Education and Care;
- 4) start and end date of a payment decision.

In addition to the data specified above, municipalities shall also separately store the data on the number of places in early childhood education and care it has procured and organised by means of a service voucher and the corresponding service providers.

## **Section 71**

### **Verifying data from other data sources**

To verify the rights of a parents or persons who have custody of the child and the identifying details and contact details referred to in section 70 stored by municipalities, joint municipal authorities or private service providers, the necessary data shall be disclosed to the data repository from the learner number register pursuant to the Act on the National Registers of Education Records, Qualifications and Degrees.

## **Section 72**

### **Storage period of data in the data repository**

The data on the organiser and provider of early childhood education and care referred to above in section 70, subsections 1 and 5 shall be stored in the data repository until five years have passed from the end of the calendar year in which the operations of the organiser or provider of early childhood education and care ended.

The data on the staff of early childhood education and care referred to above in section 70, subsection 2 shall be stored in the data repository until five years have passed from the end of the calendar year in which the person's employment relationship in early childhood education and care ended.

The data on a child and the child's parents, persons who have custody of the child or other legal representatives referred to above in section 70, subsections 3 and 4 shall be stored in the data repository until five years have passed from the end of the calendar year in which the right of the child to early childhood education and care referred to in section 12 ended.

The learner number and the identifying data based on which the learner number was issued shall be stored as provided in the Act on the National Registers of Education Records, Qualifications and Degrees.

The data in the log data register referred to in section 67, subsection 4 of the Act shall be stored for a period of five years starting from the date of creation of the data.

## **Section 73**

### **Disclosure and viewing of data**

The Finnish National Agency for Education maintains a disclosure service for data on early childhood education and care. This service combines the data in the data repository and offers it in a centralised manner via a user interface to be viewed by the person or his or her legal representative and also discloses the data to the parties entitled to receive them. The right of a person to view the data applies to the person's own data or the data of a person whose legal representative the viewer is.

The data contained in the data repository referred to in this Act may be disclosed to an authority via the disclosure service of early childhood education and care data under the right to information pursuant to the law or statutory task of the authority; however, secret information may only be disclosed if specific provisions exist in law on the disclosure of such information or the right to such information.

The authorities obtain data from the service via an application programming interface. The Finnish National Agency for Education may open the interface for an authority who has the right to process the data under this Act or some other Act. When requesting access to data, the authority shall inform the Finnish National Agency for Education of the intended use of the data and of any other information necessary for the determination of whether the conditions for data disclosure are met, and provide a report describing how the data will be protected appropriately.

The disclosed data will not be stored in the service provided by the Finnish National Agency for Education.

## **Chapter 14**

### **Transitional provisions and entry into force**

## **Section 74**

## **Transitional provisions and entry into force**

This Act enters into force on 1 September 2018.

Section 31 of this Act enters into force on 1 January 2030. Before the section referred to above enters into force, the qualification criterion for the role of a head responsible for the operations of an early education centre is a qualification for the role of teacher in early childhood education and care or the qualification of social pedagogue in early childhood education and care and a Master's degree in Education, as well as sufficient leadership skills.

Section 37 of this Act enters into force on 1 January 2030. Before the section referred to above enters into force, at least one out of three persons referred to in section 35, subsection 1 who work in an early education centre in upbringing, education and care tasks shall be a qualified teacher in early childhood education and care or a social pedagogue in early childhood education and care, and the other staff members shall be qualified childcarers in early childhood education and care.

This Act repeals the Act on Early Childhood Education and Care (36/1973) and the Decree on Children's Daycare (239/1973).

If the Act or Decree mentioned above are referred to elsewhere in the law, this Act shall be applied instead. What is provided elsewhere in law or laid down pursuant to it relating to child daycare applies to the early childhood education and care under this Act.

## **Section 75**

### **Transitional provisions concerning staff**

A person who, pursuant to the statutes in force at the time this Act enters into force, is qualified to work as a kindergarten teacher referred to in section 7 of the Act on Qualification Requirements for Social Welfare Professionals (272/2005) is qualified to act in the role referred to in sections 26 and 27. Likewise, those who have received a conditional decision on the recognition of professional competence in the role of a kindergarten teacher from the Finnish National Agency for Education and who receive a final recognition decision from the Finnish National Agency for Education by 31 December 2021 are qualified to act in the roles referred to in sections 26 and 27.

A person who, at the time this Act enters into force, has been admitted to a university or university of applied science to study in a kindergarten teacher training programme referred to in

section 7 of the Act on Qualification Requirements for Social Welfare Professionals or who, within a year of the entry into force of this Act, is admitted to a university or a university of applied science to study in a programme that leads to the qualification referred to in sections 26 or 27 of this Act, is eligible to act in a role referred to in sections 26 and 27 after completing his or her studies, on condition that the studies are completed by 31 July 2023.

A person who, pursuant to the provisions in force at the time this Act enters into force, is qualified to work as a special education kindergarten teacher is qualified to act as a special education teacher in early childhood education and care. Likewise, those who have received a conditional decision on the recognition of professional competence in the role of a special education kindergarten teacher from the Finnish National Agency for Education and who receive a final recognition decision from the Finnish National Agency for Education by 31 December 2021 are qualified to act as a special education teacher in early childhood education and care.

A person who, at the time this Act enters into force or for a maximum of five years before this Act enters into force, has been in a public-service employment relationship or a contractual employment relationship in a care and upbringing task in early childhood education and care for which he or she has been considered to fulfil the qualification requirement laid down in section 8 of the Act on Qualification Requirements for Social Welfare Professionals, or who has completed the studies giving the said qualification a maximum of five years before this Act enters into force, or who has started such studies and completes them by 31 December 2021 or who has received a decision from the Finnish National Agency for Education on the recognition of professional qualification for the role of a practical nurse in children's daycare, or who has received from the Finnish National Agency for Education a conditional decision on the recognition of a professional qualification for the role of a practical nurse and receives a final decision on the recognition of competence from the Finnish National Agency for Education by 31 December 2021 is qualified to act in the role of childcarer in early childhood education and care referred to in section 28.

A person who, at the time this Act enters into force or for a maximum of five years before this Act enters into force, has been in a public-service employment relationship or a contractual employment relationship in a professional or administrative managerial task in early childhood education and care for which he or she has been considered to fulfil the competence requirement laid down in section 10 of the Act on Qualification Requirements for Social Welfare Professionals fulfils the qualification requirement laid down in section 74, subsection 2 and is qualified to act in the role of a head of an early education centre referred to in section 31.

A person who, at the time this Act enters into force, has completed studies in Steiner education in early childhood education and care and has been eligible to give pre-primary education based on Steiner pedagogy to a pre-primary education group that does not include pupils in basic education, and who has, at the time this Act enters into force, started the studies referred to in this subsection and completes them by 31 July 2022, is qualified to act in the role referred to in section 32, subsection 2 after completing the additional studies required by the Finnish National Agency for Education.

## **Section 76**

### **Transitional provision concerning the data repository for early childhood education and care**

Municipality or joint municipal authorities shall store the data referred to in section 70, subsection 1 and the data on children referred to in section 70, subsection 3 and the data referred to in section 70, subsection 5 in the data repository of early childhood education and care, starting from 1 January 2019.

Municipalities or joint municipal authorities shall store the data on staff referred to in section 70, subsection 2 and the data on parents or other persons who have custody of the child referred to in section 70, subsection 4 in the data repository of early childhood education and care, starting from 1 September 2019.

Private service providers shall store the data referred to in section 70, subsection 1 and the data on children referred to in section 70, subsection 3 in the data repository of early childhood education and care, starting from 1 January 2020.

Private service providers shall store the data on staff referred to in section 70, subsection 2 and the data on parents and persons who have custody of a child referred to in section 70, subsection 4 in the data repository of early childhood education and care, starting from 1 September 2020.