

Safeguarding and Welfare Requirement: Information and Records

Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them.



10.1 Retention Policy for GDPR

Policy Statement

The General Data Protection Regulation is an EU law from May 2018. It requires us to share information with you about data retention after your child has left our setting.

Under the new General Data Protection Regulations (GDPR) all Early Years and Childcare settings are required to have transparency on the way they collate, store and use any personal information pertaining to the children in their care and their families. Parents have the right to ask that personal data is destroyed or deleted once they have left a setting, providing deleting the material does not impact on Ofsted and legal regulations. Please refer to the Privacy Agreement.

Data we retain about you and your child/ren falls into 3 categories:

- Safeguarding and Welfare data linked to Ofsted and the Early Years Foundation Stage requirements and the Limitation Act.
- Financial data retained for HMRC purposes.
- Funding data retained for Local Authority purposes.

Data relating to the Safeguarding and Welfare requirements of the EYFS

To comply with the Limitation Act 1980, we keep Accident, Injury and First Aid records, along with Medication Administration records, using the legal basis of 'legal obligation' until your child is 21 years and 3 months old and insurance requirements.

Attached to Accident, Injury, First Aid and Medication administration records we also retain parent/ provider contracts and Attendance registers using the legal basis of 'vital interest/ to provide additional evidence of compliance within the Early Years Foundation Stage.

We keep further data related to Safeguarding and Welfare requirements of the Early Years Foundation Stage and Childcare Register for a period of time (see EYFS requirement 3.71). ICO advice is that this should be retained between Ofsted inspections or within the Ofsted inspection cycle which might be between 3 and 8 years.

Information is kept either in paper format or saved on a drive on the computer. After the required period the documents will be shredded, and the drive files deleted.

Data relating to the Learning and Development requirements of the EYFS

To comply with the EYFS, we keep documents relating to your child's learning and development including photos of your child's progress, activities and experiences.

We use the legal basis of 'legal obligation' when recording your child's learning, development and progress and 'legitimate interest' when taking photos of your child because

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we believe it is reasonable for us to process this data to provide you with a good quality service.

We keep the information, including photos online/ in paper format and will pass it on to you when your child leaves the setting or starts school, whichever comes first.

We use the online learning journey system Tapestry to process data about your child. We will ask you to read our data sharing agreement.

Financial record keeping

We keep documentation including your name and payment record for HMRC using the legal basis of 'legal obligation'. We keep this information online/ in paper format and are required to retain this information by HMRC for 6 years, after which time they are deleted or shredded.

You will be asked to read our data sharing agreement in relation to documents shared with our accountant.

Data relating to Local Authority funding forms

We keep documentation including your name, address, national insurance number and tracking data for Local Authority funding forms using the legal basis of 'contractual necessity'. This data is held in paper format/ password protected hard drive and we are required to retain these forms by the local authority, after which time they are shredded, or deleted.

Personal data

We have been advised by the Information Commissioners Office that it is reasonable to keep a record of your mobile phone number on our preschool mobile phone and your email addresses on our preschool computer email provider for up to 1 financial year after your child leaves the setting, so we can contact you if necessary to clarify, for example, accounts information or details relating to your Tax Credits claim (if relevant). The data will be deleted after this period.

If we close the setting or on our retirement, we will keep documentation for as long as legally is required by the purpose for which it was collected. There is no absolute duty to encrypt data stored online but we will keep it as securely as possible during the retention period (see article 32 of the GDPR for more information).

You have the right to ask for information held about you and your child to be withdrawn. This is called the 'right to erasure' in GDPR. However, if we need to keep information because it is legally required then exceptions to the 'right to erasure' apply. We will make a decision about each erasure request individually- please speak to a member of staff for more information.

Pre-School Manager.....

Signature.....

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Parent (s) name.....

Parent (s) signature.....

Legal framework

- General Data Protection regulations 2018
- Human Rights Act 1998

Further guidance

- Information Sharing: Guidance for Practitioners and Managers
www.everychildmatters.gov.uk/_files/116ABBC875E8FEE7BC1E03F534A1EFAA.pdf

This policy was adopted at a meeting of Nomansland Pre-School

Held on 5th March 2019

Date of last review: March 2020

Date to be reviewed March 2021

Signed on behalf of the provider



Name of signatory Nikola Bishop

Role of signatory (e.g. chair, director or owner) Chair