

Safeguarding and Welfare Requirement: Information and Records

Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.



10.16 General Data Protection Regulation (GDPR) Policy

Policy statement

The General Data Protection Regulation (GDPR) governs the collection and processing of personal information.

Our Data Protection Policy, in line with the GDPR, sets out our commitment to fairly and lawfully process personal information for all staff, committee members, parents and children.

Legal Basis for Processing Personal Data

The information that we collect from our parents and children include:

Data	Legal Basis
Name	General use and funding application
Address	Contact and funding application
Date of Birth	Legal requirement for ratio and funding application
Parent's NI Number	2-year old funding and 30 hours funding applications
Phone Numbers	Contact
Work Address and Phone Numbers	Emergency contact
Email Address	Contact, invoicing, and newsletters
Religion	Required by OCC EYFS for monitoring equality of opportunity
Language Spoken	Learning needs
Doctor's Details	Emergency contact
Health Records – allergies, dietary requirements, medical conditions, SEN/disabilities	Health and safety, liaising with other professionals with parental consent
Emergency Contacts' names, phone numbers, relationship to child	Emergency contact
Photos and assessments	Learning journals on Tapestry to be shared with the child's next setting or school. Photos shared in Newsletters with parent's consent.

The information we collect from our staff and committee include:

DATA	LEGAL BASIS
Name	General requirement
Address	Contact and Payroll / HMRC

Email Phone Numbers DBS Certificates Training Certificates	Contact Contact Legal Requirement Requirement for OFSTED
STAFF ONLY	
Date of Birth National Insurance Number Next of Kin Details Qualifications Supervisions Medical Needs	Payroll / HMRC Payroll / HMRC Emergency contact Personal development Personal development Health and safety and emergency details

Consent

Parents, staff and committee are required to give their consent to their personal information being used for the purposes mentioned above.

As some of the information we hold is about children, defined as any person under the age of 13, parents are required to give consent for us to use the child's data for the 'consent' purposes.

Storage

All personal data that we hold is solely used for the legal basis that it is collected for. We do not collect excessive information and keep all data up-to-date where necessary.

Data Breaches

Our records are kept using cloud based management software supplied by a specialist company and/or paper based and kept in a locked office, a data breach would be as a result of a break in. Or unauthorised removal by a member of staff or committee.

If a data breach occurred as a result of a break in or with our third-party providers; OCC, IRIS, HMRC, NEST, we would notify the parents affected and the ICO if individuals are likely to suffer some form of damage.

Individuals' Rights

Subject Access Requests / Data Portability

- We do not currently charge for Subject Access Requests and will respond to requests within 30 days. The only exception to this would be requests that are made at the start of the summer holidays when we are closed for 6 weeks.
- All of our parent and child data is stored on our registration forms. We are able to email these in PDF format if requested.
- If the subject has not yet started, we can email a PDF copy of their pre-registration form which is the only data we hold.
- Parents have access to their child's Tapestry accounts. Paper assessments for children can also be provided as a PDF.
- Staff and committee can view their personal paper records on request and these can be provided as a PDF document where necessary.

Inaccuracies

Any inaccuracies with our data will be updated on registration forms, or staff or committee records as soon as they are brought to our attention.

To Prevent Direct Marketing

Parents are requested to provide us with an email address for newsletters and invoicing. This is voluntary and only used for this purpose. We do not conduct direct marketing.

Automated Decision-Making and Profiling

This is not relevant to our business. We have no systems making automated decisions.

To Have Information Erased

We have a duty to keep information records as detailed below. Any information not covered by the table below, or at the end of the retention period, will be disposed of securely using a cross-cut shredder.

Children's Records	Retention Period	Status	Authority
Children's records including registers, medication record books and accident record books	A reasonable period of time after children have left the provision (e.g. until after the next Ofsted inspection or at least three years)	Requirement	Statutory Framework for the Early Years Foundation Stage (given legal force by Childcare Act 2006)
	Until the child reaches the age of 21 – or until the child reaches the age of 24 for child protection and SEND records. Records in relation to safeguarding concerns will also need to be kept in accordance with the Local Safeguarding Children Board's requirements and passed onto transition setting.	Recommendation	Limitation Act 1980 Normal limitation rules (which mean that an individual can claim for negligently caused personal injury up to 3 years after, or deliberately caused personal injury up to 6 years after the event) are postponed until a child reaches 18 years of age
Personnel Records			
Application forms and interview notes for unsuccessful candidates	6 months to a year	Recommendation	Chartered Institute of Personnel and Development (CIPD)

Personnel files and training records (including disciplinary records and working time records)	6 years after employment Ceases	Recommendation	CIPD
	Records of unfounded allegations of a child protection nature must be kept until the person's normal retirement age or 10 years after the date of the allegation; allegations found to be malicious must be removed from personnel files	Requirement	Keeping Children Safe in Education, DfE 2016
DBS check information	Original DBS disclosures: a maximum of 6 months Providers must be able to show Ofsted they have kept a record of DBS disclosures and the DBS Code of Practice permits them to retain the following details: the date of issue of the certificate; the name of the subject; the type of certificate requested; the position for which the certificate was requested; the unique reference number; details of the recruitment decision taken.	Recommendation	DBS/OFSTED
Personnel Records			
Wage/salary records (including overtime, bonuses and expenses)	6 Years	Requirement	Taxes Management Act 1970
Statutory Maternity Pay (SMP) Records	3 years after the end of the tax year to which they relate	Requirement	The Statutory Maternity Pay (General) Regulations 1986

Statutory Sick Pay (SSP) Records	6 years after employment ends	Recommendation	CIPD
Income Tax and National Insurance returns/records	At least 3 years after the end of the tax year to which they relate	Requirement	The Income Tax (Employments) Regulations 1993 (as amended)
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after employment ends	Recommendation	CIPD
Pension scheme and member records	6 years from the automatic enrolment staging date	Requirement	The Pensions Regulator
	12 years from the ending of any benefit payable under the policy	Recommendation	CIPD
Staff accident records (for organisations with 10 or more employees)	3 years after the date of the last entry in the book (separate rules govern the recording of accidents involving hazardous substances)	Requirement	Social Security (Claims and Payments) Regulations 1979
Accident/medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	Requirement	The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
Administration Records			
Visitor books/signing in sheets	The current year plus 6 years	Recommendation	IRMS
Minutes/minute books	At least 10 years from the date of the meeting for companies	Requirement	Companies Act 2006
	At least 6 years from the date of the meeting for Charitable Incorporated Organisations	Requirement	The Charitable Incorporated Organisations (General) Regulations 2012

Privacy by Design

Any new projects we undertake will be assessed for privacy and data protection implications.

International Data Transfers

We do not transfer any data outside of the UK.

Data Protection Officer

Our designated Data Protection Officers are Pre-School Chairperson, Manager and Deputy Manager.

This policy was adopted by



*(name of
provider)*

On

(date)

Date to be reviewed

(date)

Signed on behalf of the provider

Name of signatory

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