

## RETENTION POLICY AND PROCEDURES

### Parents and Children

*WRITTEN BY RACHAEL DUNPHY | DATE: 16/09/2023*

From May 25<sup>th</sup> 2018, my setting will adhere to The General Data Protection Regulation (GDPR). This is an EU directive that all UK businesses are required to follow as law. The UK Government has stated that it will continue to enforce GDPR irrespective of a UK exit from the EU.

I am required (by the EYFS 2017) to collect and gather information on children so that they are carefully prepared and support in their developmental journey. Under the new GDPR regulations, I am required to inform parents and guardians as to how and why I collect the data, how this data will be shared, how it will be retained, and why and how I will delete certain information when a child leaves the setting.

I would like parents and carers to know that when a child leaves the setting, I may keep data relating to the following areas:

- LA Funding information
- Information relating to finances which we may have to show to the HMRC
- Accident and incident forms
- Safeguarding data (Limitation Act/EYFS requirements/court judgments)

My policy is to retain data in accordance with the laws of GDPR and in accordance with the EYFS 2017. I will not retain any data that is not relevant or does not hold a legal or justified basis to do so. However, there is some data that I am legally required to keep for a specified time limit long after a child leaves.

The table below lists some of the information/documents that I currently collect on children at the setting, whether I erase or retain that data, and for how long I keep it. Under GDPR, parents have the right to ask me about any information that is held about them and their child, and I am obliged to share this with them. Parents are also able to ask for me to delete and erase records about their child as under GDPR, everyone has the right to erasure. There are some exceptions where this is not possible, for example, in situations relating to safeguarding, which doesn't allow me to erase such data. I will make decisions on erasure on a case-by-case basis and will seek appropriate legal advice, if required.

If in the future the setting closes, I am still required by law to keep certain data in accordance with GDPR. I will ensure that all information is securely protected if stored online. Paper documentation will be kept securely in a locked case for the period of retention.

### Safeguarding and Welfare Requirements - Data Retention

Name of data collected	The legal basis for keeping the records	Retention period	After retention
Accident and incident records, along with insurance (this would be kept along with relevant insurance documents from that time). If I am keeping these records, I would also ensure that the records pertaining to the child's contract and attendance register were kept along side this.	Limitation Act 1980 (Legal obligation) Vital Interests	Until a child is 21 years and 3 months old	Data collected on the computer or any technological device will be erased completely from the system.  Data which is in paper format will be shredded.
Observation records Progress reports Photographs Journals	Legal obligation Legitimate interests	I do not retain this information without written consent. This information is passed onto parents/guardians.	

Early Years Foundation Profile Report	Legal obligation	This is not retained by me; I pass this to this information on to the course.	
Childcare Register:  Personal Details of the child, home address, telephone details, Child Record Forms, medicines administered, staff information, Consent Forms and the such like.	Legal obligation  Legitimate interests	2 years - the EYFS states that the registered person must keep a record and retain such records for a period of two years.	Data collected on the computer or any technological device will be erased completely from the system.  Data, which is in paper format, will be shredded.
Financial records, which include transaction information, and the name and address of the parent/guardian	Legal obligation  HMRC states that:  "you must keep your records for at least five years after the 31 January submission deadline of the relevant tax year.	6 Years	Data collected on the computer or any technological device will be erased completely from the system.  Data which is in paper format will be

			shredded.
<p>Personal information - I will keep this information on the system for up to one year so that I may be able to contact parents/guardians should anything arise due to financials, or issues relating to universal credits. I would retain only the telephone details and email address - with consent.</p>	<p>Legitimate interest</p>	<p>1 year</p>	<p>Data collected on the computer or any technological device will be erased completely from the system.</p> <p>Data which is in paper format will be shredded.</p>
<p>Local authority funding information/forms and consents</p>	<p>Contractual Necessity</p>	<p>Undisclosed and will follow the advice of the LA</p>	<p>Data collected on the computer or any technological device will be erased completely from the system.</p> <p>Data which is in paper format will be shredded.</p>
<p>Photographs/text messages/facebook</p>	<p>Legitimate interests</p>	<p>I will not retain any photographs</p>	<p>Data collected on the</p>

<p>conversations</p>		<p>unless written consent has been given to use these photographs in advertising, in which case, parents/guardians are required to sign a form for this. This doesn't affect your right to erasure.</p>	<p>computer or any technological device will be erased completely from the system.</p> <p>Data which is in paper format will be shredded.</p>
<p>Sensitive data - information pertaining to health, religion, ethnicity</p>	<p>Legitimate interests</p>	<p>I will not retain this data</p>	
<p>Medical records - COSHH</p>	<p>Limitation Act Legal Obligation</p>	<p>40 Years</p>	<p>Data collected on the computer or any technological device will be erased completely from the system.</p> <p>Data which is in paper format will be shredded.</p>

If you have any questions about my policy/procedures or would like to make any comments, please ask.

SIGNED

DATED

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