



## **RETENTION POLICY – Privacy Notice GDPR**

To comply with the EU General Data Protection Regulation (GDPR) which was effective from May 2018, parents should be informed about data retention.

This policy explains the legal basis for retaining information about the children and their families, what is retained, where and for how long.

### **Type of information**

The data we retain falls into 3 main categories.

1. Safeguarding and welfare data linked to Ofsted and the Early Years Foundation Stage requirements and the Limitation Act.
2. Financial data retained for HMRC purposes.
3. Funding data retained for Local Authority purposes.

The information is stored in paper format and online.

### **Safeguarding and Welfare**

To comply with the Limitation Act 1980, we keep Accident, Injury and First Aid Records and Medication Administration Records using the legal basis of 'legal obligation' until the child is **21 years and 3 months** old and insurance requirements. Attached to Accident, Injury and First Aid Records and Medication Administration Records we also retain Parent – Provider Contracts and Attendance Registers using the legal basis of 'vital interests' to provide additional evidence of compliance with the Early Years Foundation Stage.

The nursery keeps further data related to Safeguarding and Welfare requirements of the Early Years Foundation Stage and Childcare Register for a 'reasonable 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 in paper format and after the required retention period the documents will be shredded.

Data relating to the Learning and Development requirements of the EYFS. To comply with the EYFS, the nursery keeps 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 we believe it is reasonable for us to process this data to provide



you with a good quality service. We use Tapestry as our online learning journey system to process data about your child. We keep the information, including photos, online and will pass it on to you when your child leaves the setting or starts school, whichever comes first.

Learning Journals held on Tapestry can be exported once the child is about to leave the setting and, at this point, parents will be notified of the period available to retrieve their information. After this period their journals will be permanently deleted.

### **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 in paper and are required to retain this information by HMRC for **7 years**, after which time they are deleted.

### **Data relating to Local Authority funding forms**

The nursery keeps 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 and we are required to retain these forms by the Local Authority **for 7 years**, after which time they are shredded.

According to the Information Commissioner's Office it is reasonable to keep a record of your mobile phone number on the nursery's mobile phone and your email address on the computer email provider for up to **one 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. The data will be deleted after this period.

In case of closure of the setting the nursery manager will keep documentation for as long as legally required by the purpose for which it was collected. There is no absolute duty to encrypt data stored online but it will be kept as securely as possible during the retention period (see Article 32 of GDPR for more information).



## **Right of Erasure**

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 the nursery needs to keep information because it is legally required then exceptions to the 'right to erasure' apply. The nursery will decide on each case individually – please speak to the Nursery Manager for more information.

General Data Protection Regulation – [www.gov.uk](http://www.gov.uk)

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