

## 51a- Retention Policy

### Background

It is a requirement of the Early Years Foundation Stage (EYFS) that we comply with data protection laws. The law referred to in this document is the General Data Protection Regulations (GDPR) which came into effect on May 2018.

The GDPR 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.

Data we retain about you and your child fall into 3 categories-

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

We store data about you and your child in paper format, on the computer which is password protected and online.

### 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 and Medication Administration Records using the legal basis of 'legal obligation' until your child is 21 years and 3 months old and insurance requirements. We also retain Parent-Provider Contracts and Attendance Registers using the legal basis of 'vital interests' to provide additional evidence of compliance with the EYFS.

We keep further data related to Safeguarding and Welfare requirements of the EYFS for a 'reasonable period of time' see 'Retention periods for records'. 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 document will be shredded and on the computer which is password protected which will also be erased.

### 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 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 and then erase it from the computer.

We use the online learning journey system of Baby's days to process data about your child. We ask you to sign the Baby's days consent agreement when you register your child.

### **Financial record keeping**

We keep documentation including your name and payment record for HMRC using the legal basis '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/shredded.

### **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/on the computer and we are required to retain these forms by the Local Authority, after which time they are deleted/shredded.

If we close the setting, we 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 store online but we will keep it as securely as possible during the retention period (see Article 32 of 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 the Business Manager.

**This policy was agreed at an Under 5s AGM meeting held on...14<sup>th</sup> May 2019..... (Date)**

**Signed on behalf of the preschool.....(Chair)**