

GDPR Audit Record.



What data has been assessed and audited;

Accident, injury and first aid form

You have a legal obligation to record this data – see EYFS requirement 3.50.

- **What data is processed?** – see Accident and Injury and First Aid Administration forms.
- **Data refers to** – personal information about the child, witness name and signature (if relevant), staff name and signature, parent name and signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework (EYFS and Childcare Register).
 - Sharing witness details is covered by ‘vital interests’ and the witness is asked to tick and sign to state they have consented to share their information.
 - A child body map is not required by the statutory framework. You might argue it is needed for ‘legitimate interests’ in case it needs to be shared with, for example, Emergency Services but it is optional.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – data will be retained until the child is 21 years and 3 months old to comply with the Limitation Act (1980).
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Accounts / HMRC

You have a legal obligation to record this data – see HMRC website.

- **What data is processed?** – Documentation required to do payroll (if relevant) and prepare accounts for HMRC.
- **Data refers to** – invoices, receipts, payments from parents, staff payroll (including pension, National Insurance, bank accounts), late payment records, court data (in case of non-payment).
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by HMRC.
- **Data sharing** – the document may be shared on request with HMRC.

- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – HMRC state: ‘You must keep your records for at least 6 years after the 31 January submission deadline of the relevant tax year. HM Revenue and Customs (HMRC) may check your records to make sure you're paying the right amount of tax.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Attendance register

You have a legal obligation to record this data – see EYFS requirement 3.76.

- **What data is processed?** – Children’s arrival and departure times.
- **Data refers to** – personal information about the child, name of child’s key person, staff name and signature, parent name and signature (if requested).
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework (EYFS and Childcare Register).
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Child record and emergency contact form

You have a legal obligation to record this data – see EYFS requirement 3.72.

- **What data is processed?** – Information about the child and emergency contact details.
- **Data refers to** – personal information about the child; emergency contact details from parents; emergency contact details from family members / friends (legal basis - consent).
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework (EYFS).
 - Family and friends contact details is covered by the legal basis of ‘consent’ and vital interests - *for example, to effectively care for the child and ensure emergency services can take over care of the child if you are injured. You will need to collect information about the child’s religion (if it is important to parents)*

and medical history; you will also need contact details for people who can collect the child if parents are unavailable..

- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Complaints record form (see Complaints Procedures)

You have a legal obligation to record this data – see EYFS requirement 3.74.

- **What data is processed?** – Complaints made against the early years provider.
- **Data refers to** – child / family details; provider details; staff details.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework (EYFS and Childcare Register).
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Concern about a child

You have a legal obligation to record this data – see EYFS requirement 3.1 onwards.

- **What data is processed?** – Information about child protection.
- **Data refers to** – sensitive information about children and families; child and staff member/s; staff name and signature; parent name and signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.

- **Data retention** – records will be retained until the child is 21 years 3 months old for insurance purposes; some Local Authorities require Concern Records to be retained with safeguarding paperwork until the child is 25 years old; some Local Authorities require Concern Records to be handed to the child’s next setting (you should check locally).
- **Data destruction** – after the required length of time, the document/s will be shredded / securely deleted; if the Local Authority requires documents to be handed to the child’s next setting, a ‘Record Transfer Form’ (stored on the Local Authority website) will be completed and stored in the child’s file.

Contract – parent – provider

You have a legal obligation to record this data – see insurance requirements.

- **What data is processed?** – Contractual details between parents and providers.
- **Data refers to** – sensitive information about children and families; child and staff member/s; staff name and signature; parent name and signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework (EYFS and Childcare Register).
- **Data sharing** – the document may be shared on request with other agencies including HMRC and Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Contract termination letter

You have a legitimate interest to record this data.

- **What data is processed?** – Contract termination details; data retention details.
- **Data refers to** – personal child details; family details and signature; staff name and signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is –
 - ‘Legitimate interests’ because it is best practice to finalise contracts;
 - Contractual necessity because data retention information must be shared with parents.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.

- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Existing injuries record

You have a legitimate interest to record this data.

- **What data is processed?** – Details about children’s injuries from home / other settings.
- **Data refers to** – personal child details; family details and signature; other setting details; staff signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legitimate interests’ because it is required to support the child’s health and safety.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Illness record

You have a legitimate interest to record this data.

- **What data is processed?** – Information about child’s illness in the setting or elsewhere.
- **Data refers to** – personal child details; family details and signature; other setting details; staff signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legitimate interests’ because it is required to support the child’s health and safety.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Incident record

You have a legal obligation to record this data – see EYFS requirement 3.1 onwards. For specific incidents see EYFS requirement 3.49 (food poisoning); and EYFS requirement 3.51 (serious accident, injury or death of a child).

- **What data is processed?** – Information about incidents involving children.
- **Data refers to** – personal child details; family details and signature; other setting details where relevant; staff signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – data will be retained until the child is 21 years 3 months old for insurance purposes. The Local Safeguarding Children Board might advise that safeguarding incidents must be retained until the child is 25 years old.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Informing Ofsted about changes / Ofsted notifications

You have a legal obligation to record this data – see EYFS requirement 3.77 and 3.78.

- **What data is processed?** – Form to record information shared with Ofsted.
- **Data refers to** – provider details.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

The data which must be recorded and reported to Ofsted is detailed in the ‘Early Years Provider: non Compliance’ handbook (Notifications from Providers – point 55 onwards). You

have a legal obligation to record and share this information to comply with Ofsted requirements.

Learning and development information

To comply with the requirements of the Early Years Foundation Stage (EYFS, 2017) and the Early Years Inspection handbook (point 146) providers must keep information covering:

- Children's learning and development including –
 - All about me – information from parents about the child
 - 'Starting points' – home learning information from parents
 - Observational assessments of learning, development and progress
 - Individual 'next steps' planning
 - Photographs (if used with parental permission) to demonstrate activities and experiences accessed through the day
 - Progress tracking to ensure sustained progress
 - Sharing information with other settings or professionals to support the child.
- The progress check at 2 including –
 - Sharing information with the Health Visitor to complete the child's statutory 'Progress Check at age 2'.

Note – this information might be stored on paper or in digital format. The **Permission Form** should include reference to online processing (if relevant) in the '**discussions with parents**' section.

- **What data is processed?** – Information about children's learning and development.
- **Data refers to** – personal child details; family details and signature; other setting details where relevant; staff signature.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is:
 - 'Legal obligation' because it is required by the statutory framework (EYFS);
 - Photographs of children (where used) are taken with 'consent' from parents which can be withdrawn at any time;
 - To comply with the Early years Inspection handbook tracking information is collected under the legal basis of 'legitimate interest' to allow the provider to do their job effectively;
 - Where information is shared with other settings and / or professionals the legal basis of 'legal obligation' is used.

- **Data sharing** – the documents may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – documents will be handed to parents when the child leaves the provision or starts school – photographs will be handed to parents or destroyed.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Local Authority Funding form

You have a contractual obligation to record this data – see Local Authority funding requirements.

- **What data is processed?** – Form to record funding.
- **Data refers to** – child’s name, address and date of birth; parents national insurance numbers, dates of birth; further child’s details including documentary proof of date of birth; child’s SEN code (if relevant); details about other settings the child attends and their hours of attendance; personal characteristics such as ethnic group.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘contractual obligation’ because it is required by the Local Authority.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – data will be retained until the child is 21 years and 3 months old to comply with the Limitation Act (1980).
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Local Safeguarding Record forms

You have a legal obligation to record this data – see Local Authority safeguarding requirements and EYFS requirement 3.68.

- **What data is processed?** – Form to record safeguarding.
- **Data refers to** – child’s name, address and date of birth; parents names, dates of birth; further child’s details including personal characteristics such as ethnic group, special educational needs, GP name & address, and immigration status, .
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the Local Authority.

- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – data will be retained until the child is 21 years and 3 months old to comply with the Limitation Act (1980).
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Medication Administration record

You have a legal obligation to record this data – see EYFS requirements 3.44 – 3.46.

- **What data is processed?** – Medication provided for children in the childcare setting.
- **Data refers to** – personal details about the child; staff signature; parent signature and name.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – data will be retained until the child is 21 years and 3 months old to comply with the Limitation Act (1980).
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Permission forms

You have a legal obligation to record this data – see EYFS requirements 3.43 – assistants; 2.5 & 3.68 – sharing with other settings and professionals. .

- **What data is processed?** – Statutory permissions from parents to cover assistants (if relevant), working with other settings and professionals (required) and taking and using photographs (required).
- **Data refers to** – personal details about the child; staff signature; parent comments, signature and name.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data varies –
 - Permission for assistants (if relevant) and working with other settings and professionals is covered by ‘legal obligation’ because it is required by the statutory framework (EYFS).

- Personal details about the child / family are covered by 'legitimate interests' – to be used as reasonably expected to provide a high quality service.
 - Permission to take photos of children is covered by 'consent' and parents must be informed they can withdraw consent at any time.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide 'Retention Periods for Documentation' from Childcare.co.uk.
- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

Physical intervention record

You have a legal obligation to record this data – see EYFS requirements 3.53

- **What data is processed?** – Physical intervention details.
 - **Data refers to** – personal details about the child; parent signature; staff signature.
 - **Lawful / legal basis for recording the data** – the legal basis for processing this data is ‘legal obligation’ because it is required by the statutory framework.
 - **Data sharing** – the document may be shared on request with other agencies including Ofsted.
 - **Data storage** – the documents will be stored securely in paper / online format.
 - **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
 - **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.
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Policies and procedures – acknowledgement of receipt

You have a legal obligation to share statutory Policies and Procedures with parents and a legitimate interest to record this data – see Childcare Register and EYFS.

- **What data is processed?** – Parent confirmation that policies and procedures have been read and understood.
 - **Data refers to** – child details; parent signature; staff signature.
 - **Lawful / legal basis for recording the data** – the legal basis for processing Policies and Procedures is ‘legal obligation’ and the legal basis for processing this data is ‘legitimate interest’.
 - **Data sharing** – the document may be shared on request with other agencies including Ofsted.
 - **Data storage** – the documents will be stored securely in paper / online format.
 - **Data retention** – see Information Guide ‘Retention Periods for Documentation’ from Childcare.co.uk.
 - **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.
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Visitor records

- **What data is processed?** – Visitor details.
- **Data refers to** – date of visit, visitor name, reason for visit and departure time.
- **Lawful / legal basis for recording the data** – the legal basis for processing this data 'legitimate interests' because you will use the record as 'reasonably expected' to allow you to provide a high quality service; the lawful basis is also linked to safeguarding and child protection.
- **Data sharing** – the document may be shared on request with other agencies including Ofsted.
- **Data storage** – the documents will be stored securely in paper / online format.
- **Data retention** – see Information Guide 'Retention Periods for Documentation' from Childcare.co.uk.

Note – individuals have a right to be forgotten under GDPR – advice will need to be taken before visitor records are deleted if they are required by, for example, Ofsted or another agency.

- **Data destruction** – after the required length of time, the documents will be shredded / securely deleted.

References etc

- ICO website - <https://ico.org.uk/> and helpline (0303 123 1113).
- Early Years Foundation Stage (DfE, 2017) and related documents.
- Croner-I article about GDPR and the Early Years - <https://app.croneri.co.uk/feature-articles/what-general-data-protection-regulation-means-early-years-providers>.
- GDPR for the education sector guidance from ICO - <https://ico.org.uk/for-organisations/education/education-gdpr-faqs/>.

About websites used in this guide - in places this guide might link to other websites. The author and distributor of this guide cannot be held responsible for the content or availability of these sites.

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