

# Retention Policy for GDPR

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The General Data Protection Regulation 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 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.

We store data about you and your child in paper format 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.

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.

We keep 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 electronic format and after the required retention period the documents will be deleted.

## **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.

### **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 *online* and we are required to retain this information by HMRC for 6 years, after which time they are deleted.

### **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 electronic format and we are required to retain these forms by the Local Authority, after which time they are deleted.

### **Personal data**

We have been advised by the Information Commissioners Office that it is reasonable to keep a record of your mobile phone number on my mobile phone and your email address on my computer email provider for up to 1 financial year after your child leaves the setting, so I can contact you if necessary to clarify, for example, accounts information or details relating to your Tax Credits claim (if relevant). The data will be deleted after this period.

### **If the setting closes**

If we close the setting or on our retirement, 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 stored 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 us for more information.

Signed: