



Data Protection and Confidentiality Policy

Appendix: Data Retention

Different bodies / legislation may require records to be kept for different periods. I will retain information to adhere to the longer time period.

Document	Data Recorded	Lawful Basis for Recording and Retaining Data		Retention Period
Children’s Records				
Accident, incident and medication records (including pre-existing injuries and physical intervention log)	Details of incident, including child’s personal information, staff names, witness names, parent/carer names and signatures <i>May contain special category data</i>	Legal Obligation	EYFS 2017 Childcare (General Childcare Register) Regulations 2008 Childcare Act 2006	A reasonable period of time after the child has left the setting (3 years)
			Limitation Act 1980	Until child reaches 21 years and 3 months (24 years and 3 months for SEND records)
Attendance register	Arrival and departure times, child’s name and date of birth, reasons for absence	Legal Obligation	EYFS 2017 Childcare (General Childcare Register) Regulations 2008 Childcare Act 2006	A reasonable period of time after the child has left the setting

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			Limitation Act 1980	Until child reaches 21 years and 3 months (24 years and 3 months for SEND records)
Child record form Permission forms	Child's name, DoB, address, parent/carer names and contact details, access arrangements, parental responsibility details, emergency contact details, details of other settings, doctor's details, medical details, SEND details, parent/carer comments to smooth transitions <i>May contain special category data</i>	Legal Obligation Contract Consent	EYFS 2017 Childcare (General Childcare Register) Regulations 2008 Childcare Act 2006	A reasonable period of time after the child has left the setting (3 years)
			Limitation Act 1980	Until child reaches 21 years and 3 months (24 years and 3 months for SEND records)

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Child protection information and safeguarding concerns about a child	Child protection records / safeguarding information and child's name, DoB, address, parent/carer names and contact details <i>May contain special category data</i>	Legal obligation	Keeping Children Safe in Education 2018 EYFS 2017 LSCB	Until child leaves setting and then passed on to next setting child attends. If it is not known where the child moves to, information passed onto MASH. In all cases a receipt to show who records were given to is obtained and retained.
Receipt for transfer of child protection / safeguarding records	Child name, DoB, name and contact details of receiving organisation	Legal obligation	Limitation Act 1980	Until child reaches 25 years
Learning and development observations and summative assessments including two year old progress check	Child's name, date of birth, photographs, videos, comments and assessments on learning and development	Legal obligation Consent	EYFS 2017 (Consent obtained for photographs)	Until child starts full-time school or leaves setting to move to a new setting

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Displays	Child's name, photograph, next steps	Consent	Good practice (consent obtained)	Until child leaves setting
Personnel Records				
Application forms and interview notes for unsuccessful applicants	Application form includes Applicant's name, address, DoB, previous names, address and employment history, contact details, references and contact details, experience, health details, suitability details and declaration on disqualification and disqualification by association, qualifications <i>May contain special category data</i>	Legal obligation	Safer recruitment recommendations EYFS 2017 Chartered institute of Personnel and Development (CIPD) recommendation	6 months to a year after decision to not employ Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended

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Personnel files for employees	Employee's name, address, DoB, previous names, address and employment history, contact details, application form, emergency contact details, references and contact details, experience, health details, suitability details and declaration on disqualification and disqualification by association, interview notes, identity checks, permission to work in the UK, copies letters sent to / from employee, qualifications, contract,	Legal obligation	CIPD recommendation	6 years after employment ceases

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	induction checklist, permission forms and confidentiality agreement, appraisals, observations and supervisions <i>May contain special category data</i>			
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Disciplinary records	Employee name and contact details and details of the disciplinary event and proceedings	Legal obligation	IRMS recommendation	Oral – Conclusion of case plus 6 months Level 1 – Conclusion of case plus 6 months Level 2 – Conclusion of case plus 12 months Level 3 – Conclusion of case plus 18 months Case not founded – if child protection see below, otherwise not kept after conclusion of case
Unfounded allegations regarding child protection	Employee name and contact details and details of the allegation and proceedings	Legal obligation	Keeping Children Safe in Education 2018	Until the employee's normal retirement age or 10 years after the date of the allegation (whichever is the longer)

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Child protection allegations - founded	Employee name and contact details and details of the allegation and proceedings <i>May contain special category data</i>	Legal obligation	Keeping Children Safe in Education 2018	Until the employee's normal retirement age or 10 years after the date of the allegation (whichever is the longer)
DBS Check Information	Name of employee, level of DBS check, certificate number and date of issue. Dates checks made on the update service	Legal obligation	Disclosure and Barring Service EYFS 2017	As for personnel file – 6 years after employment ceases
Salary records & expenses, including Income tax and National Insurance returns/records and National Minimum Wage Records	Name and address of employee, NI number, salary and deductions	Legal obligation	Taxes Management Act 1970	6 years
			The Income Tax (Employments) Regulations 1993 (as amended)	At least 3 years after the end of the tax year to which they relate
			National Minimum Wage Act 1998	3 years after the end of the pay reference period following the one that the records cover

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Working time records	Employee name	Legal obligation	The Working Time Regulations 1998	2 years from date on which they were made
Statutory Maternity Pay (SMP) records	Name of employee, due date and actual DoB, date adopted child started living with employee, details of medical professional including signature and UKCC PIN and expiry date	Legal obligation	The Statutory Maternity Pay (General) Regulations 1986	3 years after the end of the tax year to which they relate
Parental leave records	Name and NI of employee, employment details, child due date and DoB, date adopted child started living with employee, dates of leave taken	Legal obligation	CIPD recommendation	5 years from the birth/adoption of the child or 18 years if the child receives a disability allowance

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Statutory Sick Pay (SSP) records	Name, DoB, NI number & phone number of employee, dates of sickness, details of sickness <i>May contain special category data</i>	Legal obligation	CIPD recommendation	6 years after employment ends
Redundancy details, calculations of payments, refunds	Name and address of employee, NI number, redundancy amount and deductions	Legal obligation	CIPD recommendation	6 years after employment ends

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Pensions scheme and member records	Name, DoB and address of employee, NI number, pension scheme identification number, expected retirement date, dates join/leave scheme, pension contributions employee and employer and annual pensionable earnings, any decision to opt out of auto-enrolment	Legal obligation	The Pensions Regulator	6 years from the automatic enrolment staging date

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Records of any reportable death, injury, disease or dangerous occurrence	Date and method of reporting to HSE, the date, time and place of the event, personal details of those involved and a brief description of the nature of the event or disease <i>May contain special category data</i>	Legal obligation	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (as amended)	3 years after the date the record was made
Displays	Photograph and name of employee	Consent	Good practice Consent	When employee leaves unless express permission given
[Insert any other personnel records held on employees]				
Financial Records				

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Childcare contracts	Contract details, child's name, DoB, address, parent/carer names and contact details, parental responsibility details, access arrangements, emergency contact details <i>May contain special category data</i>	Legal obligation Consent	Contractual requirement for insurance HMRC EYFS 2017 Childcare (General Childcare Register) Regulations 2008 Childcare Act 2006	5 years after the 31st January submission deadline for relevant tax year
Local authority funding form	Child and family personal information including NI details, DOB, ethnicity, disability living allowance details, eligibility for two year old funding, 30hour codes and EYPP, copy of birth certificate <i>Contains special category data</i>	Contract	Contractual obligation as required by LA for funding requirements	Swindon: 6 years

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Accounting records – e.g. cash books, invoices, receipts	Child's name, parent/carer names and contact details	Legal obligation	HMRC	5 years after the 31st January submission deadline for relevant tax year
Administration Records				
Complaints log	Details of complaint and complainant, potentially child and family details and employee details	Legal obligation	EYFS 2017 Childcare (General Childcare Register) Regulations 2008 Childcare Act 2006	3 years
			IRMS 2016	6 years after the resolution of the complaint
Notifications to Childminding Matters	Changes to household and employees. <i>Sensitive data</i> relevant to suitability of anyone in household or employees including health and criminal convictions	Legal obligation	EYFS 2017	3 years

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Acknowledgement receipt of Privacy Notice	Child details and parent/carer signatures or employee details and signature	Legal obligation	GDPR 2016	Until last record pertaining to individual has been disposed of
Policies and procedures – acknowledgement of receipt	Child details and parent/carer signatures or employee details and signature	Consent Legitimate interest (good practice)	Good practice for: EYFS 2017 Childcare (General Childcare Register) Regulations 2008 Childcare Act 2006	3 years after child leaves setting
Visitor book	Date of visit, visitor name, reason for visit and times arriving and departing	Legitimate interest (safeguarding children)	IRMS recommendation	6 years
Fire Drill Records	Names of children and adults present, comments regarding the fire drill	Legitimate interest (safeguarding children)	IRMS recommendation	6 years
Insurance records, including employer's liability insurance records			Health & Safety Executive	As long as possible

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