**Hutton Playgroup**

**General Data Protection Regulation Policy**

**Statement**

GDPR stands for General Data Protection Regulation and replaces the previous Data Protection Directives that were in place. It was approved by the EU Parliament in 2016 and comes into effect on 25th May 2018.

GDPR states that personal data should be ‘processed fairly & lawfully’ and ‘collected for specified, explicit and legitimate purposes’ and that individuals data is not processed without their knowledge and are only processed with their ‘explicit’ consent. GDPR covers personal data relating to individuals with respect to the processing of children’s, parents, visitors and staff and volunteers personal data.

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

**GDPR includes 7 rights for individuals**

**1) The right to be informed**

Hutton Playgroup is a registered Childcare provider with Ofsted and so is required to collect and manage certain data. We need to know parent’s names, addresses, telephone numbers, email addresses, date of birth and National Insurance numbers. We need to know children’s full names, addresses, date of birth and Birth Certificate or Passport details. For parents claiming the free nursery entitlement we are requested to provide this data to Lancashire County Council. This information is sent to the Local Authority via a secure electronic file transfer system.

We are required to collect certain details of visitors to Playgroup. We need to know visitors names and reason for visit. This is in respect of our Health & Safety and Safeguarding Policies.

As an employer Hutton Playgroup is required to hold data on its employees; names, addresses, email addresses, telephone numbers, date of birth, National Insurance numbers. This information is also required for Disclosure and Barring Service checks (DBS).

**2) The right of access**

At any point an individual can make a request relating to their data and Hutton Playgroup will need to provide a response (within 1 month). Hutton Playgroup can refuse a request if we have a lawful obligation to retain data ie. From Ofsted in relation to the EYFS, but we will inform the individual of the reasons for the rejection. The individual will have the right to complain to the ICO if they are not happy with the decision.

**3) The right to erasure**

You have the right to request the deletion of your data where there is no compelling reason for its continued use. However Hutton Playgroup has a legal duty to keep children’s and parents details, Children’s accident and injury records for 19 years (or until the child reaches 21 years), and 22 years (or until the child reaches 24 years) for Child Protection records. Staff records must be kept after the member leaves until erased. The data is archived securely and shredded after the legal retention period.

**4) The right to restrict processing**

Parents, visitors and staff can object to Hutton Playgroup processing their data. This means that records can be stored but must not be used in any way, for example reports or for communications.

**5) The right to data portability**

Hutton Playgroup requires data to be transferred from one IT system to another; such as from Hutton Playgroup to the Local Authority. These recipients use secure file transfer systems and have their own policies and procedures in place in relation to GDPR.

**6) The right to object**

Parents, visitors and staff can object to their data being used for certain activities like marketing or research.

**7) The right not to be subject to automated decision-making including profiling**

Automated decisions and profiling are used for marketing based organisations. Hutton Playgroup does not use personal data for such purposes.

**Storage and use of personal information**

All paper copies of children’s and staff records are kept in a locked cupboard inside a locked storeroom. Members of staff can have access to these files and all information about individual children is confidential.

Information about individual children is used in certain documents, such as, a daily register medication forms, referrals to external agencies and disclosure forms. These documents include data such as children’s names, date of birth and sometimes address. These records are shredded after the retention period.

Upon a child leaving Hutton Playgroup and moving on to school or moving settings, data on the child may be shared with the receiving school. Parent/carer will be given the data to deliver to the receiving school.

Hutton Playgroup stores personal data held visually in photographs or video clips or as sound recordings with written consent. No names are stored with images on the website or on Hutton Playgroups social media sites.

Access to Hutton Playgroups laptop computer is password protected. Any portable data storage used to store personal data eg. USB memory stick, are stored in a locked cupboard inside a locked storeroom.

GDPR means that Hutton Playgroup must:

* Manage and process personal data properly
* Protect the individual’s rights to privacy
* Provide an individual with access to all personal information held on them

This policy was adopted at a meeting of Hutton Playgroup

Held on **5th October 2018**

Date to be reviewed: October 2019

Signed on behalf of Hutton Playgroup……………………………………………………………………………………

Chair Person

\*Please see attached Preschool Learning Alliance Retention Periods for Records

**Retention periods for records**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Children’s records** | | **Retention period** | | **Status** | | **Authority** | |
|  | |  | |  | |  | |
| Children’s records, including registers, | | Records should be retained for a reasonable period of time after | | Requirement | | EYFS (given legal force by | |
| medication records and accident records | | children have left the provision (e.g. three years) or until the next | |  | | Childcare Act 2006) | |
| pertaining to children | | Ofsted inspection after the child has left the setting (whichever is | |  | |  | |
| Note: children’s learning and development | | soonest). | |  | |  | |
|  | |  | |  | |
| records i.e. learning journeys are | |  | |  | |  | |
| Until child reaches age of 21 - or until the child reaches the age | | Recommendation | | Limitation Act 1980 | |
| maintained by the setting and handed to | | of 25 for child protection records, SEND records and health care | |  | | Normal limitation rules (which mean | |
| parents when the child leaves. | | plans. | |  | |
|  | | that an individual can claim for | |
| \*If a concern is identified that legal action | | Records in relation to safeguarding concerns will also need to be | |  | |
|  | | negligently caused personal injury | |
| may be instigated, all relevant information | | kept in accordance with the Local Safeguarding Children | |  | | up to three years after, or | |
| will be retained until the child reaches the | | Board’s requirements. | |  | | deliberately caused personal injury | |
| age of 25. | |  | |  | | up to six years after the event) are | |
|  | |  | |  | | postponed until the child reaches 18 | |
|  | |  | |  | | years old. | |
|  | |  | |  | |  | |
| Records of any reportable death, injury, | | Three years from the date of the last entry (or, if the accident | | Requirement | | The Reporting of Injuries, Diseases | |
| disease or dangerous occurrence. | | involves a child, then until the person reaches the age of 21). | |  | | and Dangerous Occurrences | |
|  | | The setting will also need to consider whether it is necessary to | |  | | Regulations 1995 (RIDDOR) | |
|  | |  | | (SI1995/3163) (as amended) | |
|  | | keep the records for a longer period in light of the | |  | |
|  | |  | |  | |
|  | | circumstances. | |  | |  | |
|  | |  | |  | |  | |
| Safeguarding and welfare records | | Until the child reaches age 25 years, or for Looked After | | Requirement | | Limitation Act 1980 | |
| (including written summary of information | | Children 75 years. | |  | |  | |
| transferred to schools) which resulted in a | |  | |  | |  | |
| Child Protection referral or Child In Need | |  | |  | |  | |
| referral being made to the local authority. | |  | |  | |  | |
|  | |  | |  | |  | |
| Safeguarding and welfare records | Six years from time referral made, or for Looked After Children | | Requirement | | Limitation Act 1980 | |
| (including written summary of information | 75 years. | |  | |  | |
| transferred to school) which resulted in a |  | |  | |  | |
| referral being made to CAF or other early |  | |  | |  | |
| help support services referrals. |  | |  | |  | |
|  |  | |  | |  | |
| **Personnel records** | **Retention Period** | | **Status** | | **Authority** | |
|  |  | |  | |  | |
| Personnel files and training records | Six years after employment ceases. | | Recommendation | | Chartered Institute of Personnel and | |
| (including disciplinary records and working |  | |  | | Development | |
| time records). |  | |  | |  | |
|  |  | |  | |  | |
| Application forms and interview notes for | Six months to one year. | | Recommendation | | Chartered Institute of Personnel and | |
| unsuccessful candidates. |  | |  | | Development | |
|  |  | |  | |  | |
| DBS information | Once a recruitment (or other relevant) decision has been made, | | Requirement | | Disclosure and Barring Service | |
|  | we do not keep Disclosure information for any longer than is | |  | |  | |
|  | absolutely necessary. This is generally for a period of up to six | |  | |  | |
|  | months, to allow for the consideration and resolution of any | |  | |  | |
|  | disputes or complaints. | |  | |  | |
|  | We will maintain on employee files the reference number, the | | Requirement | | EYFS (given legal force by | |
|  | date a check was obtained and who obtained it. | |  | | Childcare Act 2006) | |
|  |  | |  | |  | |
| **Pay** | **Retention Period** | | **Status** | | **Authority** | |
|  |  | |  | |  | |
| Wages/salary records (including overtime, | Six years. | | Requirement | | Taxes Management Act 1970 | |
| bonuses and expenses). |  | |  | |  | |
|  |  | |  | |  | |
| Statutory Maternity Pay (SMP) records. | Three years after the end of the tax year in which the maternity | | Requirement | | The Statutory Maternity Pay | |
|  | period ends. | |  | | (General) Regulations 1986 (SI | |
|  |  | |  | | 1986/1960) as amended | |
|  |  | |  | |  | |
| Statutory Sick Pay (SSP) records. | Six years after employment ceases. | | Recommendation | | Chartered Institute of Personnel and | |
|  |  | |  | | Development | |
|  |  | |  | |  | |
| Income Tax and National Insurance | At least three years after the end of the tax year to which they | | Requirement | | The Income Tax (Employments) | |
| returns/records. | relate. | |  | | Regulations 1993 (SI 1993/744) as | |
|  |  | |  | | amended | |
|  |  | |  | |  | |
| Redundancy details, calculations of | Six years from the date of redundancy. | | Recommendation | | Chartered Institute of Personnel and | |
| payments, refunds, notification to secretary |  | |  | | Development | |
| of state. |  | |  | |  | |
|  |  | |  | |  | |
| Parental leave records. | 18 years from the birth of the child. | | Recommendation | | Chartered Institute of Personnel and | |
|  |  | |  | | Development | |
|  |  | |  | |  | |
| National Minimum Wage records. | Three years after the end of the pay reference period following | | Requirement | | National Minimum Wage Act 1998 | |
|  | the one that the records cover. | |  | |  | |
|  |  | |  | |  | |
| Pension scheme and member records. | Six years (except for records of opt-outs which must be kept for | | Requirement | | The Pensions Regulator | |
|  | four years). | |  | |  | |
|  |  | |  | |  | |
|  | 12 years from the ending of any benefit payable under the policy | | Recommendation | | Chartered Institute of Personnel and | |
|  |  | |  | | Development | |
|  |  | |  | |  | |
| **Health and safety** | **Retention Period** | | **Status** | | **Authority** | |
|  |  | |  | |  | |
| Staff accident records (for organisations | Three years after the date of the last entry (there are separate | | Requirement | | Social Security (Claims and | |
| with 10 or more employees). | rules for recording of accidents involving hazardous | |  | | Payments) Regulations 1979 (SI | |
|  | substances). | |  | | 1979/628) | |
|  |  | |  | |  | |
| Records of any reportable death, injury, | Three years from the date of the last entry. | | Requirement | | The Reporting of Injuries, Diseases | |
| disease or dangerous occurrence. |  | |  | | and Dangerous Occurrences | |
|  |  | |  | | Regulations 1995 (RIDDOR) (SI | |
|  |  | |  | | 1995/3163) as amended | |
|  |  | |  | |  | |
| Accident/medical records as specified by | 40 years from the date of the last entry. | | Requirement | | The Control of Substances | |
| the Control of Substances Hazardous to |  | |  | | Hazardous to Health regulations | |
| Health regulations (COSHH) 1999 |  | |  | | 1999 (COSHH) (SIs 1999/437 and | |
|  |  | |  | | 2002/2677) | |
|  |  | |  | |  | |
| Assessments under Health and Safety | Permanently. | | Recommendation | | Chartered Institute of Personnel and | |
| Regulations and records of consultations |  | |  | | Development | |
| with safety representatives and |  | |  | |  | |
| committees. |  | |  | |  | |
|  |  | |  | |  | |
| **Financial Records** | **Retention Period** | | **Status** | | **Authority** | |
|  |  | |  | |  | |
| Accounting records. | Three years for Private Companies | | Requirement | | Section 386 and 388 of the | |
|  | Six years for Public Limited Companies. | |  | | Companies Act | |
|  |  | |  | |
|  | Six years for Charities. | |  | | Charities Act 2011 section 131 | |
|  |  | |  | |  | |
| **Administration records** | **Retention period** | | **Status** | | **Authority** | |
| Complaints records | At least three years from the date of the last record. | | Requirement | | Early Years Foundation Stage | |
|  |  | |  | | Welfare Requirements (given legal | |
|  |  | |  | | force by Childcare Act 2006) | |
|  |  | |  | |  | |
| Insurance policies. | Permanently. | | Recommendation | | Information and Records | |
|  |  | |  | | Management Society | |
|  |  | |  | |  | |
| Minutes/minutes books. | Permanently | | Recommendation | | Chartered Institute of Personnel and | |
|  |  | |  | | Development | |
|  |  | |  | |  | |