

Written by: Anuska Abeyesekera Date: 24/3/24

The statutory framework in England is the Early Years Foundation Stage (EYFS). The latest version of the framework is here: <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

'Individual providers should determine how long to retain records relating to individual children.'

The register for children over the age of 5 years is the Childcare Register. There are 2 parts – the compulsory register and the voluntary register. The Childcare Register is here:

<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-requirements>

The requirements of the Childcare Register in relation to retention periods state:

## Retention policy statement

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The General Data Protection Regulation is an EU law from May 2018. It requires me to share information with you about data retention after your child has left the setting. Please see the Privacy Notice for more information and note that I must inform you about:

- \*\*Data I retain about you and your child.
- \*\*How / where I store the data.
- \*\*How long I retain data.
- \*\*How data is managed and destroyed.
- \*\*Your right to erasure.

## Retention procedures

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Data I 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.

I store data about you and your child in paper format and online.

### **Data relating to the safeguarding requirements of the EYFS**

To comply with the Limitation Act 1980, I keep records of **serious** accidents and injuries including death and records of medication administration using the legal basis of 'legal obligation' until your child is 21 years and 3 months old for insurance purposes. In the case of serious accidents and injuries I may also be advised to retain contracts and attendance registers using the legal basis of 'vital interests' to provide additional evidence of compliance with the statutory framework at the time.

I keep further data related to safeguarding requirements of the EYFS and Childcare Register for a 'reasonable period of time'. The Information Commissioners Office (ICO) advice is that this should be retained for Ofsted purposes 3 – 6 years.

I use the Childcare.co.uk retention periods guidance - <https://www.childcare.co.uk/dataprotection>

Information is kept in paper format and after the required retention period the documents will be shredded.

### **Data relating to the learning requirements of the EYFS**

To comply with the EYFS, I keep documents relating to your child's learning including, for example, photos of your child's progress, activities and experiences. I 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 I believe it is reasonable for me to process this data to provide you with a good quality service.

I keep the information securely, remove photos when they have been shared with you and will pass other written information over to you when your child leaves the setting or starts school, whichever comes first.

### **Financial record keeping**

I keep documentation including your name and payment record for HMRC using the legal basis of 'legal obligation'. I keep this information *online / in paper format* and I am required to retain this information by HMRC for 6 years, after which time it will be deleted.

### **Data relating to Local Authority funding**

I 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 and I am required to retain these forms by the Local Authority and for HMRC purposes for 6 years, after which time they are shredded.

### **Your personal data**

I have been advised by the ICO that it is reasonable to keep a record of your mobile phone number on my mobile phone and your email address on my computer for up to 1 financial year after your child leaves the setting, so I can contact you if necessary to. The data will be deleted after this period.

## Setting closure

If I close the setting or on my retirement, I 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 I will keep it as securely as possible during the retention period (see Article 32 of GDPR for more information).

## Right to erasure

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 I need to keep information because it is legally required then exceptions to the 'right to erasure' apply. I will make a decision about each erasure request individually – please speak to me for more information.

Note that if you involve ICO in a challenge against my right to retain information vs your right to erasure, I will need to justify my retention decision to ICO and show that I have a good reason for keeping the data. For this reason, I will only retain information as required by the statutory frameworks, requested by Ofsted and / or required by HMRC or the Local Authority and other agencies and / or professionals who control my work – for example, the police or social services for safeguarding purposes.

If you have any questions, please ask. Thank you.

Signed:



Review date: 24/3/24

## Policy updates

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**Updated 08.2021:** wording reviewed and adapted where relevant to comply with the changes to the Early Years Foundation Stage (EYFS).

**Updated 08.2023** – general wording check to ensure policy is current and valid.