

RECORD RETENTION & DISPOSAL POLICY

INTRODUCTION

Blackshaw Nursery and individual employees have responsibility to protect the integrity and confidentiality of all personal data held with regard to our clients and employees.

Authorised disclosure of data could include: information to local authority for child protection or other necessary reasons; information to Ofsted as required; information to Trustees; information to debt collector in the event of non-payment of fees, other statutory disclosures.

Unauthorised disclosure of data, whether it be oral, printed, hand-written, IT based, electronic files, photographs, cameras, external memory sticks, hard drives, CD Roms, video, Cloud storage, web/media must be avoided.

The named person responsible for data management is Mary Ellis. Please contact her on telephone number 0208 672 4789 for clarification or concerns regarding personal data management.

PURPOSE

This policy has been written to provide the necessary information to Blackshaw Nursery employees detailing their duties under the Data Protection Act 1998 and Record Retention procedures. This policy has also been written to set out the standards expected by Blackshaw Nursery employees in relation to Record Retention and Disposal of personal/sensitive data and safeguarding individual's rights within Blackshaw Nursery.

SCOPE

This policy covers all records held by Blackshaw Nursery irrespective of the media on which they are created or held, including oral, printed, hand-written, IT based, electronic files, photographs, cameras, external memory sticks, hard drives, CD Roms, video, Cloud storage, web/media.

STORAGE

All data and records will be stored as securely as possible in order to avoid potential misuse or loss. The degree of security required for file storage will reflect the sensitivity and confidential nature of any material recorded. All data and records will be stored in the most convenient and appropriate location having regard to the period of retention required and the frequency with which access will be made to the record. Personal data will not be held for longer than necessary and when such data has been earmarked for destruction, appropriate measures will be taken to ensure that the data cannot be reconstructed and processed by third parties. Any data file or record which contains personal data of any form can be considered as confidential in nature.

Personal data

'Data' means information recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose and includes computer-generated material.

'Personal data' means data consisting of information relating to a living individual who can be identified from that information (or from that and other information in the possession of a data user), including any expression of opinion about the individual. In practice this means any data recorded on our computers relating to a living person.

The Data Protection Act 1998 has eight core purposes:

- Be obtained and processed fairly and lawfully
- Be adequate, relevant and not excessive in relation to those purposes and only be disclosed to appropriate people
- Be accurate and where necessary kept up to date
- Not be kept for longer than is necessary
- Be processed in line with the data subject's rights
- Be secure
- Not be transferred to other countries without adequate protection

Client data

This section specifically refers to data held about clients and includes the recording, processing and security of personal and sensitive information relating to them and people who work for them.

2

Whilst it is the organisation's ultimate responsibility to ensure that personal data held concerning a client is up to date, accurate and taken for lawful purposes, it is the individual employee's duty to ensure that the information is correctly taken from the client and accurately recorded.

Any requests for details of personal data held by Blackshaw Nursery should immediately be sent to our data protection compliance officer, Mary Ellis. If you are not sure who that is, ask. The data protection compliance officer (Mary Ellis) will deal with the request or will authorise you to do so.

Failure to comply with the above could be treated as misconduct. It is also a criminal offence to hold, use or disclose personal data which is not registered or to use it for a purpose other than that registered – this offence applies both to the organisation and to the employee concerned.

An individual is entitled:

- To be informed whether personal data is held of which they are subject
- *to access any such data (may use Subject Access Requests, further information www.ico.org.uk or call ICO helpline 0303 123 1113 when appropriate to have such data corrected or erased*

DECISION MAKING & DISPOSAL

Directors/Data Controllers are responsible for the decision to dispose of data and retention period guidance. Reviews should be conducted with the managers, relevant external bodies (e.g. CQC, Ofsted), legal advisor.

The disposal decisions must be reached having regard for:

- On-going business and accountability needs (including audit)
- Current applicable legislation
- Whether the record has any long term historical or research value
- Best practice in the applicable field
- Costs associated with continued storage versus cost of destruction
- The legal, political and reputational risks associated with keeping, destroying or losing control over the records.
- Could the data be returned to sender/provider to be stored, e.g. NHS, local authority?

3

The decision to destroy should not be made with the intent of denying access or destroying evidence.

The agreed disposal decision should be recorded and retained including:

- Description of the data/record
- Type of data (paper, IT)
- Creation date of record, review and decision date
- Disposal decision and method of disposal
- Summary of reasons for decision
- Names of people involved in decision
- Signature of person authorising disposal

DESTRUCTION

To ensure compliance with the Data Protection Act 1998 all information, in any format, destroyed from any Blackshaw Nursery location must not expose confidentiality of our employees, clients and customers.

ARCHIVING

Directors/Data Controllers are responsible for the decision to retain records. The decision to archive records should be made regarding security measures, organisation and accessibility. These records should be catalogued to enable review and retrievability.

POLICY REVIEW DATE

The Senior Management Team is responsible for regular review and updating of this policy.