

T: Information and record keeping – Group and school-based providers

What do I need to know?

- Legal Framework
 - [Data Protection Act 2018](#)
 - [Freedom of Information Act 2000](#)
- [EYFS statutory framework for group and school based providers \(publishing.service.gov.uk\)](#): page 39, paragraph 3.77-3.80
- What constitutes a ‘record’.
- There is a requirement to register annually with the Information Commissioners Office (ICO).
- Confidentiality must be maintained, and records kept, transferred, or destroyed in line with recommended retention periods.
- Parents, potentially, have access to **all** records about their child.

Information and record keeping (pages 55-57 of audit)	Things to consider and discuss:
Do you ensure you maintain records, obtain and share information (with parents and, or carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate) to ensure the safe and efficient management of your setting and to help ensure the needs of all children are met?	<ul style="list-style-type: none"> • What records do you keep and in what formats? • How do you ensure all records are kept safe and secure? • When and how do you share information with parents and, or carers and statutory bodies? • When do you need parental permission to share information with health professionals, other settings, schools, etc.? • Do you know when it is appropriate and applicable to retain records? • Do you know what legal basis you use for your data processing?
Are you aware of <i>Guidance on sharing information with relevant services when there are safeguarding concerns</i> , available via: Information sharing advice for safeguarding practitioners - GOV.UK (www.gov.uk)	<ul style="list-style-type: none"> • Have you accessed and read this guidance document? Are there any actions to implement from this? • Is the ‘Information sharing advice for safeguarding practitioners’ guidance on display or easily accessible for all staff? How do you know staff are aware of this document?

<p>Do you ensure you enable a regular two-way flow of information with parents and, or carers, and between providers, if a child is attending more than one setting?</p>	<ul style="list-style-type: none"> • How do you know your systems for sharing information are effective? • How often is information being shared? • What types of information is being shared and how is it acted upon? • Are all parents sharing information with you about their child? • How do you share information with other providers if the child is attending more than one setting?
<p>If requested, do you make sure you incorporate parents' and, or carers' comments into children's records?</p>	<ul style="list-style-type: none"> • What do you do with the information you receive from parents or other providers? • Are parents and, or carers aware that they can contribute to their child's records? • How do you enable parent sand, or carers to contribute?
<p>Do you ensure your records easily accessible and available (these may be kept securely off the premises)?</p>	<ul style="list-style-type: none"> • When might each set of records need to be accessible? • Who needs to be able to access them? Who does not? Who knows the passwords? • If you take and, or keep some records off site how do you ensure they are always secure, including in transit? • Are you aware of 'The seven golden rules to information sharing? How do you ensure all staff are aware of these golden rules?
<p>Do you ensure confidential information and records about staff and children are held securely and only accessible and available to those who have a right or professional need to see them?</p>	<ul style="list-style-type: none"> • How do you protect the privacy of the children, parents and, or carers and give them access if they wish to see all records about their child? • Do you understand the difference between privacy and confidentiality? • Are you confident in knowing what data you can withhold should it be requested by a parent or carer, or third-party agency? • What information can be shared without parental consent? • How do you protect sensitive information about your setting and the children in your care from accidental damage and online criminals?
<p><i>The National Cyber Security Centre (NCSC) has published helpful guidance on cyber security: Early Years practitioners: using cyber security to protect... - NCSC.GOV.UK</i></p>	<ul style="list-style-type: none"> • Have you accessed and read this guidance document? Are there any actions to implement from this? • Is the document, 'Early Years practitioners: using cyber security to protect...' guidance on display or easily accessible for all staff? How do you know staff are aware of this document?
<p>Do you ensure you are aware of your responsibilities under the Data Protection Legislation and where relevant the Freedom of Information Act 2000?</p>	<ul style="list-style-type: none"> • How do you meet your responsibilities under the Data Protection Act 2018? • Have you appointed or contracted a Data Protection Officer for your setting? • Are you aware of the rights of an individual, to request information for themselves, or their child, under a Subject Access Request'? What procedures do you have to follow if you receive such a request?

<p><i>This includes the Data Protection Act 2018 and General Data Protection Regulation 2018 see: Guide to the General Data Protection Regulation - GOV.UK (www.gov.uk)</i></p>	<ul style="list-style-type: none"> • Have you accessed and read this guidance document? Are there any actions to implement from this? • Is the ‘Guide to the General Data protection Regulation’ guidance on display or easily accessible for all staff? How do you know staff are aware of this document?
<p>Do you ensure that all staff understand the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way that ensures confidentiality?</p>	<ul style="list-style-type: none"> • Have all staff members received training in Data protection? • How do you ensure that electronic records are reviewed and processed in the same way as hard copy records? • How do ensure that data held on third party platforms and apps is fit for purpose?
<p>Do you ensure parents and, or carers are given access to all records about their child, provided that no relevant exemptions apply to their disclosure under Data Protection Act?</p> <p><i>Are you aware The Data Protection Act 2018 (DPA) gives parents and carers the right to access information about their child that a provider holds?</i></p> <p><i>Are you aware however, the DPA also sets out specific exemptions under which certain personal information may, under specific circumstances, be withheld from release? For example, a relevant professional will need to give careful consideration as to whether the disclosure of certain information about a child could cause harm either to the child or any other individual.</i></p>	<ul style="list-style-type: none"> • What policies and procedures do you have in place regarding access to all records for parents and, or carers? How do you make parents aware of this? • What are the ‘relevant exemptions’? • How do you know what the specific exemptions under which certain personal information may, under specific circumstances, be withheld from release as set out in the DPA? How do these exemptions apply to your provision?
<p><i>Further guidance of how data protection laws operate can be found on the website of the Information Commissioner’s Office at: Guide to the UK General Data Protection Regulation (UK GDPR) ICO</i></p>	<ul style="list-style-type: none"> • Have you accessed and read this guidance document? Are there any actions to implement from this? • Is the ‘Guide to the UK General Data Protection Regulations’ guidance on display or easily accessible for all staff? How do you know staff are aware of this document?
<p>Do you ensure records relating to individual children retained for a reasonable period of time after they have left the provision?</p> <p><i>Are you aware individual providers should determine how long to retain records relating to individual children?</i></p>	<ul style="list-style-type: none"> • Which records do you retain? • How long do you keep them? • How do you keep track of when a record needs to be destroyed? <ul style="list-style-type: none"> • Does this period meet the requirements of your insurance company, the LA requirements for funded children, SEN children or child in care, the Childcare Register and the requirements of any other relevant body or legislation? • How do you dispose of records safely and securely? • What records do you pass on to a child’s next Setting and, or School? How do you ensure the method of transfer is safe? How do you confirm that it has been received?

Useful links and further help:

[Data Protection Act information](#)

[Information Commissioners office](#)

[SEND code of practice](#)

For advice and support regarding Data Protection and GSPR contact: GDPRfor.EarlyYears@derbyshire.gov.uk

[Derbyshire SchoolsNet - Early Years Quality Team](#)

[Derbyshire Early Years Service - Eventbrite](#)

Email: CS.EYS@derbyshire.gov.uk