

**POLICY NO.47 – Data Protection Policy****REV: 05 DATE: 10.08.2022****DATA PROTECTION POLICY****Principle**

**Scamps & Scholars** will conform to the provisions of the Data Protection Act 1998 and the Data Protection (Amendment) Act 2003. (Child Care (Pre-school Services) (no 2) Regulations 2006 and Child Care (Pre-school Services (No 2) (Amendment) Regulations 2006 Part IV, 13 Register of Pre-School Children, 14 Records), The General Data Protection Regulation 2016/679 (Siolta Standard 8: Planning and Evaluation, Siolta Standard 9: Health and Welfare, Siolta Standard 12: Communication, Siolta Standard 15; Legislation and Regulation) (National Standard 4: Records)

**Statement of Intent**

Under the provisions of the Act's Scamps & Scholars has appointed a "Data Controller" to manage the storage of personal information about staff, children and families in its computerised and manual records. At the current time that Data Controller will be the manager of the centre supported by the Board of Directors.

**Policy & Procedure**

- Obtain and process information fairly.
- Ensure that the data subjects know what information is being held about them and for what purpose.
- Keep information for lawful purposes.
- Process information in ways compatible with the purpose for which it was given originally.
- Ensure that the information is adequate, relevant and not excessive.
- Retain the information no longer than is necessary.
- Give a copy of personal information to the individual concerned on request.
- Amend information held on employees if the employee indicates that the information is incorrect.
- Adhere to the 'need to know principle' – only personal data necessary for the purpose should be collected and staff should only be able to access the personal data that they need to carry out their functions.
- Have adequate access controls, firewalls and virus protection and do not forget manual files.
- Have retention policies for the various categories of data.

**Informing Staff on Data Protection Acts**

- The basic principles of data protection are explained to staff and clients.
- There are regular updates to guidance material and staff training and awareness, so that data protection is a "living" process aligned to the way the Scamps & Scholars conducts its business.
- There are documented procedures, for example with regard to accuracy and have regular security reviews.
- We will allocate responsibility for compliance and set-out what in-house sanctions may be imposed if correct procedures are not followed.
- We set out the circumstances in which personal data may be disclosed to third parties, including Gardai and other enforcement agencies.

**Storage of data**

The security of personal information relating to children and families is a very important consideration under the Data Protection Acts. Appropriate security measures will be taken by Scamps & Scholars against unauthorised access to this data and to the data it is collecting and storing on behalf of the DCYA (Department of Children and Youth Affairs).

A minimum standard of security will include the following measures:

- Access to the information should be restricted to authorised staff on a "need-to-know" basis.
- Manual files will be stored in a lockable filing cabinet located away from public areas.
- Computerised data will be held under password protected files with a limited number of users.
- Any information which needs to be disposed of, will be done so carefully and thoroughly.
- Premises will be secured when unoccupied.

**Dealing with Access Requests**

Scamps & Scholars will ensure that they follow the guidelines set down by the Data Protection Office. Every individual about whom a data controller keeps personal information has a right to request a copy of the data, which is kept about them. The service provider should only hold limited personal information on an individual and must be justified. A copy of this information should be included along with other personal information held about the individual making the access request.

To make an access request the data subject must:

- Apply to Scamps & Scholars Childcare Centre in writing (which can include email)
- Give any details which might be needed to help you identify him/her and locate all the information you may keep about him/her e.g. previous addresses, date of birth, etc.

Every individual about whom a data controller keeps personal information has a number of other rights under the Acts, in addition to the Right of Access.

The right of access allows the data subject to receive;

- A copy of the data you are keeping about him or her
- Information on the categories of their data and your purpose/s for processing it
- Information on the identity of those to whom you disclose the data
- The source of the data
- Data held in the form of opinions, except where such opinions were given in confidence and even in such cases where the person's fundamental rights suggest that they should access the data in question it should be given.

These include the right to have any inaccurate information rectified or erased, to have personal data taken off a direct marketing or direct mailing list and the right to complain to the Data Protection Commissioner.

In response to an access request the data controller must:

- Supply the information to the individual promptly and within 40 days of receiving the request
- Provide the information in a form which will be clear to the ordinary person

**RECORD KEEPING****Principle**

At Scamps & Scholars it is our aim to maintain all records according to the Child Care (Pre-School Services) (No 2) Regulations 2006 to ensure the health & safety of staff and children, and to promote the development of all children attending the service. (Child Care (Pre-school Services) (no 2) Regulations 2006 and Child Care (Pre-school Services) (No 2) (Amendment) Regulations 2006 Part II, 5 Health, Welfare & Development of the Child, 7 Medical Assistance, 8 Management & Staffing, 9 Behaviour Management, Part IV, 13 Register of Pre-School Children, 14 Records, 16 Fire Safety Measures, 18 Premises & Facilities, 25(b) (vi) (Hygiene) Equipment & Materials, 27 Safety Measures, 28 Facilities for Rest & Play) (Siolta Standard 12: Communication Siolta Standard 15: Legislation & Regulation) (National Standard 1: Information, National Standard 3: Working in Partnership with Parents or Guardians, National Standard 4: Records, National Standard 6: Evaluation)

**Statement of Intent**

- We aim to ensure that all records are factual and written impartially.
- Under the *Freedom of Information Act 1997/ The General Data Protection Regulation 2016/679*, parents will have access to all records pertaining to their child only.
- Staff members will only have access to records of children in their care and will be used to inform staff on how best to meet the needs of each child and plan for further learning.
- The service will only share information with other professionals or agencies, with consent from parents or without their consent in terms of legal responsibility in relation to a Child Protection issues.
- Staff use the guided approach of Aistear and *Siolta, The National Quality Frameworks for Early Childhood Education* in relation to various aspects of record keeping within the service.

**Register of Pre-School Children**

- A register is kept of every child attending the service.
- The information on the register will be up dated on an on-going basis.

**Health and Safety**

- Records will be kept in relation to medical administration and accident report forms which will be co signed by parents / guardians and staff.

- Written parental consent is kept to allow the service to seek medical assistance for a child in case of an emergency.
- Information on children's allergies will be displayed in the kitchen and / or the child's room so that all staff are aware of allergies.
- The daily arrival and departure time of each staff member and child is recorded.

#### **Observation, Assessment and Programme Planning**

- Staff use regular observation and assessment as a means of planning for children's learning. Observations and assessments are recorded in the form of written observations and discussion, photos and use of children's work. These will in turn be shared regularly with staff and parents to ensure a cohesive approach to ensuring the needs of each child are met.
- A record of the planned programme / activities is clearly documented through short, medium and long term plans. Observations and assessment records are used to inform the plans and ensure that activities are suitable for the age, stage and interests of children in the service.
- An Individual Educational Plan (IEP) may be used to support the individual needs of children with additional needs. These will be regularly shared with parents and relevant professionals working with a child.
- Daily information will be recorded and shared with parents / guardians outlining settling in periods, 1:1 experiences with key worker, activities carried out, food and drink, nappy changes, sleep etc.
- All data pertaining to the processing of information for children, including observations, learning journals, transition forms etc. will only be interacted with on the premises of Scamps & Scholars. Only, in extreme circumstances and with prior consent of management and if appropriate the parents guardians of the child can such records be developed by staff off site.

#### **Records of each child are available on the premises for inspection by**

- (a) *A child's parent or guardian but only in respect of information concerning their child.*
- (b) *Staff members with whom the information is relevant*
- (c) *An authorised person*

#### **Staff Records**

- Records outlining the name, position, qualification and experience of each staff member, volunteer and student are maintained.
- Records are kept in relation to all documents and records relating to Garda vetting and references from previous employers for all staff members.
- Staff monitoring notes are kept relating to staff appraisals and supervision.
- The daily arrival, departure and meal break times of each staff member is recorded.
- All staff records are strictly confidential .

#### **Programme of Care for Babies / Toddlers**

- Staff will record, sleep times, eating patterns and nappy changing.
- Parents and the primary caregiver establish and record a personal care plan that is continually updated to ensure that care routines are personalised "prime times" that fit the child and family.

#### **Records Related to the Running of the Service Include:**

- Details of the maximum number of children catered for at any one time.
- Details of the type of service and age range of children using the service.
- Staff/Child ratio's within the service.
- An outline of the type of programme under which the service operates.
- Opening hours and fees.
- Policies and procedures currently in place.
- Daily attendance sheet of all children present in the facility.
- Staff roster.
- Details of any accident, injury or incident involving any of the children attending the service.

#### **Fire Safety:**

A written record will be kept of:

- (a) All fire drills which take place on the premises
- (b) The number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.

#### **Hygiene:**

- A cleaning programme and schedule for furniture, work and play equipment is in place.

Food hygiene practices are guided and recorded under the principles of Hazard Analysis Critical Control Point (HACCP) and the Food Hygiene Regulations 1950 – 89 and the European Communities (Hygiene of Foodstuffs) Regulations 2000.

- Record of pest control measures.

### **Retention of Records**

The Child Care Act 1991 (Early Years Services) Regulations 2016 requires all services to keep the following records:

- Personnel and financial records are generally held for a period of 7 years.
- Records on children are held until the child reaches the age of 19 years.
- Tusla required child records are held for 2 years.
- Details of daily attendance 2 years.
- Staff rosters 2 years / or 7 if required for revenue
- Medication Administered 2 years
- Any accident / incident or injury involving a child at our service 19 years
- Complaints received 2 years

In addition to the requirements under the Child Care Act 1991 (Early Years Services) Regulations 2016 all services should keep Child Records until the child is 21 years old. This is for insurance purposes. Once a child turns 18 they have a period of 3 years to make a claim over an incident that occurred in an early years setting if their parents have not already done so. For clarity here are the type of child records you should maintain:

- Child attendance records until the child is 21 years of age
- Child accident / incident books until the child is 21 years of age

### **Financial Records:**

- CCTV footage 20- 30 days unless an issue has been identified
- Unsolicited applications for jobs 1 year
- Applications for vacant post 1 year
- General job descriptions Hold until superseded
- Vacancy notifications 1 ½ years
- Copies of advertisement 1 ½ years
- Job Description 1 ½ years
- Applications/ C.V of applicants called for interview 1 ½ years
- Candidates not qualified or short listed 1 ½ years
- Candidates short listed but not successful at interview or successful but do not accept 1 ½ years
- Interview board marking sheet and interviewers notes 1 year
- Allegations/ complaint 2 years if unfounded or investigation not warranted
- Training Files 5 years

### **Data protocol**

The data protocol is a simple plan of action for all staff to ensure the security of the data that we possess at Scamps & Scholars



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## Childcare Room

**Every effort should be made to ensure that personal data of children in our care (child's records & any thing else that may be deemed of a personal nature) is protected at all times.**

- Roll books and attendance records and other such materials are not left open.
- Pass over books are closed and stored away in a filing cabinet when not in use.
- Filing cabinets storing children files should be locked at all times.
- The key for the filing cabinet should be used to lock the unit if the room is unattended for any period of time. The key can be store in the small key locker in the main office.
- Conversations with parents that may entail sensitive information should be conducted where others are not privy to the information. If this is not possible it may preferable to phone the parent at a more appropriate time.
- If such a phone call is required to be made please (where possible) utilise an empty room or one of the 2 offices that are in operation in the centre.
- Information regarding children and there behaviour, attendance etc... should only be exchanged among those staff working directly with those children or on a required basis with supervisors and management.
- The staff room is not a forum where a chins personal data should be discussed.
- Allergens / medical priority information of children may be displayed for staff awareness but in an area that is removed from the publics view.

## Administration office / Reception

**Every effort should be made to ensure that personal data of children in our care and any staff data (child's / staff records & any thing else that may be deemed of a personal nature) is protected at all times.**

- Only files etc... containing client information should be open in the office if you are working on same.
- If the office is unattended for any period of time, the blind should be drawn and the office door should be locked until a staff member returns to same.
- Conversations with parents that may entail sensitive information should be conducted where others are not privy to the information. If this is not possible it may preferable to phone the parent at a more appropriate time.
- If such a phone call is required to be made please (where possible) utilise an empty room or one of the 2 offices that are in operation in the centre.



- Digital information ( Big Red Book & Col soft) are only accessed by staff required to work on same.
- Redundant reports or printed paper work containing any personal data should be shredded as soon as possible.
- Pass words for access to pc's / computers should not be shared amongst your colleagues.
- The CCTV screen should remain in an off position during opening hours and beyond. It should only be switched on should a need arise where the CCTV is required to be accessed. The policy in relation to accessing the CCTV should be followed thereafter.
- All hard copy files and pc's / computers should be powered down and stored in there designated lock up areas.
- No PPS numbers of parents or children should be stored longer than required.
- Such information should be destroyed when it is no longer relevant.
- Access to this area is controlled and keys for this area are only in the possession of the administration team and the management team including supervisors.

#### **Staff Room**

**Every effort should be made to ensure that personal data of children in our care and any staff data (child's / staff records & any thing else that may be deemed of a personal nature) is protected at all times.**

- The staff room is for staff to avail of some well earned "down time" away from the operation of your normal working environment.
- Matters arising from your working day should not be discussed in this area.
- This area is never an area that is appropriate for the exchange of information on a child or their family.

#### **Kitchen**

**Every effort should be made to ensure that personal data of children in our care and any staff data (child's / staff records & any thing else that may be deemed of a personal nature) is protected at all times.**

- Personal data of children such as allergies etc... should be stored in an area that is available to staff but not visible to third party users of this area i.e. suppliers etc...
- Matters arising from your working day should not be discussed in this area.
- This area is never an area that is appropriate for the exchange of information on a child or their family.
- Access to this area is only to be utilise for the operation of the kitchen.



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### Managers Office

- Access to this area is strictly controlled. Keys to access this area are only in the possession of the manager, Deputy manager and the administrative leader.
- Other access may be gained to this area under supervision.
- Only files etc... containing client information should be open in the office if you are working on same.
- If the office is unattended for any period of time, the blind should be drawn and the office door should be locked until a staff member returns to same.
- Redundant reports or printed paper work containing any personal data should be shredded as soon as possible.
- Pass words for access to pc's / computers in this area should not be shared amongst colleagues unless an operational need is present.
- All hard copy files and pc's / computers should be powered down and stored in there designated lock up areas.
- No PPS numbers of parents or children should be stored longer than required.
- Such information should be destroyed when it is no longer relevant.
- Access to this area is controlled and keys for this area are only in the possession of the administration team and the management team including supervisors.
- The filing cabinet containing staff files should remain locked at all times unless access to files is required.
- Access to this cabinet is restricted to Manager, Deputy Manager and the lead administrator. Supervised access may be allowed if operational needs arise.

### Acting on Failures

Even with strong processes, and a genuine desire to protect data, some organisations still suffer breaches. How we handle these failures plays a big part in our future performance.

When our plans for data protection fall through, we need to respond calmly, and decisively. We need to understand what caused the breach, and protect any data that may be exposed. Steps will be taken to notify anyone whose data may have been compromised, and help them to take steps to protect against fraud.

After the immediate problem has been fixed, we will re-analyse in-depth what went wrong and how the data protection in the centre can be improved.

**As a general principle, staff should only be accessing the personal information of customers/colleagues or service users if it is directly relevant to their role.**

**If you haven't seen or heard it, you cant breach it!**



<b>Child Records</b>	
<b>Personal Data Record Type</b>	<b>Retention Period &amp; Notes</b>
Child Record/Registration Forms including the consent forms	2 years from the time the child ceases to attend service – required by the 2016 Early Years Services Regulations. <i>For insurance purposes you may need to retain these records until the child referred to in the record is 21 years of age. We recommend you contact your insurance company for clarification on this issue.</i>
Child Accident & Incident Records	<i>For insurance purposes you need to retain these records until the child referred to in the record is 21 years of age.</i>
Attendance records	2 years from the time the children referred to in the record cease to attend service – required by the 2016 Early Years Services Regulations. 7 years for attendance records related to childcare funding schemes (ECCE, TEC, CCS and CCSP). <i>For insurance purposes you may need to retain these records until the child referred to in the record is 21 years of age.</i>
PPS details of child/parent and social welfare details of parent/guardian	Retain for period of time it takes to submit registration on PIP
Medication administered with signed parental consent	2 years from the time the child ceases to attend service – required by the 2016 Early Years Services Regulations.
Child Observations	Issued to the parents/guardians of the child when they leave the service.
Child Development Records	Issued to the parents/guardians of the child when they leave the service.
Photographs/videos and associated consent forms	It is recommended that all photographs will be deleted/destroyed one year after the child has left the childcare service. Each service can define their own retention period for photos and this must outlined to parents/guardians. Consent form for photographs/videos must specify how long the photographs/videos are retained for.
Sleep check records	2 years from the date the child ceases to attend the service.



## Data Retention Schedule

Child Records	
Personal Data Record Type	Retention Period & Notes
Child Record/Registration Forms including the consent forms	2 years from the time the child ceases to attend service – required by the 2016 Early Years Services Regulations. <i>For insurance purposes you may need to retain these records until the child referred to in the record is 21 years of age. We recommend you contact your insurance company for clarification on this issue.</i>
Child Accident & Incident Records	<i>For insurance purposes you need to retain these records until the child referred to in the record is 21 years of age.</i>
Attendance records	2 years from the time the children referred to in the record cease to attend service – required by the 2016 Early Years Services Regulations. 7 years for attendance records related to childcare funding schemes (ECCE, TEC, CCS and CCSP). <i>For insurance purposes you may need to retain these records until the child referred to in the record is 21 years of age.</i>
PPS details of child/parent and social welfare details of parent/guardian	Retain for period of time it takes to submit registration on PIP
Medication administered with signed parental consent	2 years from the time the child ceases to attend service – required by the 2016 Early Years Services Regulations.
Child Observations	Issued to the parents/guardians of the child when they leave the service.
Child Development Records	Issued to the parents/guardians of the child when they leave the service.
Photographs/videos and associated consent forms	It is recommended that all photographs will be deleted/destroyed one year after the child has left the childcare service. Each service can define their own retention period for photos and this must be outlined to parents/guardians. Consent form for photographs/videos must specify how long the photographs/videos are retained for.
Sleep check records	2 years from the date the child ceases to attend the service.

<b>Employee Records</b>	
<b>Personal Data Record Type</b>	<b>Retention Period &amp; Notes</b>
Employee files, all files relating to a staff member	6 years after employee ceases employment
Employee Registration Form	5 years
Garda Vetting Forms & Responses	5 years from the date employee commences employment or length of time employee works in the service – retain data for whichever time period is longer.
Employee References	5 years from the date employee commences employment or the length of time the employee works in the service – retain data for whichever time period is longer.
Revenue Payslips P45 etc	6 years
Working Time Records	3 years
Minimum Wage Records	3 years
Staff Accident or Incident records	10 years
Annual Leave Records	3 years after employee ceases employment
Sick Leave Records	3 years
Sick Leave Payments	3 years
Maternity Leave	1 year
Adoptive Leave	1 year
Parental Leave	8 years
HR documents (disciplinary, grievance documents etc.)	6 years after employee ceases employment or longer based on legal advice
Paternity Leave	8 years
Force Majeure Leave	8 years
Careers Leave	8 years
Hazard Analysis & Critical Control Point (Food Safety)	2 years

<b>Operational Records</b>	
Personal Data Record Type	Retention Period & Notes
Fire Safety Records (including Fire Drills)	5 years – required by the 2016 Early Years Services Regulations.
CCTV Footage (If applicable)	28 days or for the duration of an investigation.
Records relating to childcare funding schemes (ECCE, CCS, CCSP and TEC)	7 years
Visitors Book	1 year from the date that it relates to – required by the 2016 Early Years Services Regulations.
Staff Training Files	6 years after employee leaves the company.
Complaints and associated documents	2 years from the date the complaint was dealt with – required by the 2016 Early Years Services Regulations.
Job Applications / Applicants C. V's	1 year
Interview notes	1 year for shortlisted – 6 years after the employee leaves the company.
Job Vacancy Notifications / Advertisements / Job descriptions	1 year
General cleaning records	1 year

<b>Financial Records</b>	
Personal Data Record Type	Retention Period & Notes
Accounts	7 years

**Approval Date:** \_\_\_\_\_

**Implementation Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_  
**(On behalf of the Board of Directors)**