

## DBS & OTHER DOCUMENTS: STORAGE , RETENTION AND DISPOSAL, AND DATA PROTECTION POLICY

### Amendment History

Revision	Author	Description of Change	Date Updated
Original	Karen Walls	New policy (CRB Storage)	August 2006
Original	Carol Hooper	New policy (Document Storage & Disposal, & Data Protection)	August 2008
1	CH and SM	Checked and updated	October 2008
2	CH/ SM/ Alison Foulds	Reviewed, no change. NB vetting and barring to be added when implemented. [not implemented!]	June 2009
3	CH/AF	Reference to storage of records; review again after July training course	May 2010
4	CH	Add reference to Single Central Record	May 2011
5	CH/HS	Checked telephone numbers and contact details	June 2012
6	CH/SF	Amalgamation of policies on data protection, and on document storage retention and disposal	January 2013
7	CH/SF	Add reference to waste transfer notes	March 2013
8	CH/SF	Amended retention periods for document to reflect current best practice	September 2013
9	CH/SF	Replace CRB with DBS; add reference to update service	January 2015
10	CH	Merge DBS Storage and document Storage etc Policies	November 2016
11	CH & SF	Retain all records relating to children for 25 years	February 2018

# **DBS & OTHER DOCUMENTS: STORAGE , RETENTION AND DISPOSAL, AND DATA PROTECTION POLICY**

## **Introduction**

This policy outlines the systematic and planned approach to the management of records at Kineton Playgroup Ltd.

In the context of this Policy, a document is a record that contains information (in any media including electronic) that has been created or gathered as a result of any aspect of the work of Kineton Playgroup Ltd.

The retention periods given are only “minimum recommendations” and discretion should be applied before any documentation is disposed of. However, decisions to keep records beyond the stated periods must be justified and where this involves personal or children’s information, full consideration must be taken of Data Protection.

## **General principles**

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Kineton Playgroup complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

## **Evidence checking**

Sally Flynn (deputy manager & office administrator) has been approved as an identification verifier.

## **Annual update service**

All members of staff are required to register their DBS checks with the annual update service. Regular checks are made with the update service for all members of staff.

## **Storage and access**

All personnel records, including DBS disclosure information and the Single Central Record (SCR) are kept securely, whether on site or in a secure off-site storage facility. Disclosure information is kept in a lockable, non-portable, storage container; access is strictly controlled and limited to those who are entitled to see it as part of their duties, namely the manager, the deputy manager (office administrator) and the chair. A summary of relevant parts of the SCR is supplied to Kineton Primary School to be kept securely.

## **Handling**

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. Kineton Playgroup maintains a record of all those to whom disclosures or disclosure information has been revealed. It is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

## **Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## **Retention**

Once a recruitment (or other relevant) decision has been made, Kineton Playgroup do not keep disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, the DBS will be consulted and full consideration to the data protection and human rights of the individual will be given before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

## **Disposal**

Once the retention period has elapsed, Kineton Playgroup will ensure that any disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, disclosure information will be kept in a secure way, such as in a secure receptacle or location. Destruction will be carried out by a suitable person or organisation. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept.

## **Retention of records**

However, notwithstanding the above, a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken is kept. A summary of these records is kept securely.

## **Acting as an Umbrella Body**

Before acting as an Umbrella Body (one which countersigns applications and receives disclosure information on behalf of other employers or recruiting organisations), Kineton Playgroup will take all reasonable steps to ensure the handling, use, storage, retention and disposal of disclosure information in full compliance with the DBS Code and in full accordance with this policy. Kineton Playgroup will also ensure that any body or individual, at whose request applications for disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

## **Data Protection**

The principles underpinning this policy where it covers personal and children's information come from the Data Protection Act 1998. Anyone processing personal data must comply with the eight principles of good practice, summarised below:

1. Personal data must be processed fairly and lawfully

2. Personal data must only be collected for specified purposes (eg contact details such as parents' addresses and phone numbers), and any further processing must be compatible with these purposes
3. Personal data must be adequate, relevant and not excessive
4. Personal data must be accurate and up to date (updated details need not be solicited, but if someone provides new information, eg a change of address, this should be entered in the data)
5. Personal data must not be kept longer than necessary
6. Personal data must be processed in accordance with the data subject's right under the Act (see data subjects rights)
7. Personal data must be secure against loss, destruction, or unauthorised use
8. Personal data must not be transferred outside the European Economic Area without adequate protection (publication on the internet would be automatically regarded as an overseas transfer). This includes any emails concerning children, staff or committee members – care should be taken that individuals remain anonymous (or are identified with permission only in appropriate circumstances) or that contact details (eg copy email addresses) are used properly. Care should always be taken before sending any information.

### **The Data Protection Act 1998**

The Data Protection Act 1998 exists to protect individuals from misuse of their personal information. It sets out broad principles to ensure that anyone who uses personal data uses it fairly and responsibly. The Act came into force on 1 March 2000; manual records that existed on 23 October 1998 had to comply with data protection principles by 23 October 2007.

The Act sets rules for processing **personal data** - ie information about identifiable, living individuals known as **data subjects**. The organisation using the information is the **data controller** (previously "data user")

The Data Protection Act 1998 defines personal data as;

"Data which relate to a living individual who can be identified—

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual."

### **Sensitive Personal Data**

The Data Protection Act 1998 makes special reference to information defined as "sensitive personal data" which refers specifically to information such as;

- (a) the racial or ethnic origin of the data subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union
- (e) his physical or mental health or condition,
- (f) his sexual life,

(g) the commission or alleged commission by him of any offence, or  
(h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

**Data** is information that is:

- Held on computer
- In a “relevant” manual file (see “manual records”)
- Intended to become part of one of the above systems (for example information on a form that will be transferred to a computer database)
- Held by local government or government agency to which the data subject has access (including health, education, housing and social services records)

### **Data controller**

A data controller is defined as a “person who (either alone, or jointly, or in common with other persons) determines the purposes for which and the manner in which any personal data is, or is to be, processed”. In this context “person” means a legal “person”, for example, a company. However, the Information Commissioner has indicated that an unincorporated association can also be treated as a data controller, even though it would not be a legal “person”. It is therefore unlikely that an individual member of staff would be the data controller. The data controller for Kineton Playgroup Ltd is therefore the limited company itself.

### **Processing**

Processing is broadly defined, and covers any operation or set of operations on personal data. This includes collecting, recording, storing, changing, organising, consulting, using, disclosing and destroying information.

Personal data may only be processed when one of the following conditions is met.

- The data subject has given their consent and knows who is using the information and why, and whether it will be made available to anyone
- It is needed in connection with a contract involving the data subject
- You are legally obliged to process the information, eg sickness records
- The processing is necessary to protect the data subject’s “vital interests” (eg life or death)
- It is needed to carry out one of a number of public functions
- It is in your legitimate interest, unless this could prejudice the data subject

It is probable that most activities carried out by Kineton Playgroup Ltd will meet at least one of the above conditions.

### **Sensitive personal data**

The 1998 Act makes specific provision for sensitive personal data which covers:

- Racial or ethnic origin

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- Political opinions
- Religious or other beliefs
- Trade union membership
- Health
- Sexual life
- Criminal proceedings or convictions

To process such data, the individual must give their explicit consent. Make sure the data subject knows why you need the data and how you will use it. A parent or someone with a parent's legal rights must give their explicit consent for data about a child.

### Manual records

Information held on paper is defined as personal data if it is part of, or intended to go into a, "relevant filing system". This could for example be an alphabetically ordered filing system or card index. If you keep records of visits by date, with no cross-referencing that could identify an individual, this would probably not be a relevant filing system. If you are in doubt, you should contact the Information Commissioner's Office (see below). It is good practice to treat all manual personal files as being covered by the Act.

### Information to go into systems

Any information added to a computerised or relevant manual system is covered. This includes any forms used to collect information, even disposed of as soon as they have been finished with. This would include job applications forms and interview notes (it is good practice to keep these for six months after a post has been filled). Any data disposed of must be made illegible, preferably by shredding.

### Storage

All documents containing personal data will be stored in the office or the staff room. Staff and Board members are required to read and sign the Confidentiality Policy, which should be read in conjunction with this policy, on an annual basis.

Staff personnel files will be stored in a locked cupboard, the Manager and Administrator will have access to these.

Parents have access to the files and records of their own children but do not have access to information about any other child.

Records relating to the current year are kept on-site. Information relating to prior years will be kept on site for up to 6 months and then in secure off-site archive storage. Information may be retrieved as required for specific and lawful purposes and will be kept in accordance with this policy.

### Retention of paper records

Type of record	Retention period (Statutory)
Workplace accidents	Three years after date of last entry. There are specific rules on recording incidents involving hazardous substances.
Payroll	Six years after the end of the tax year they relate to

Statutory maternity, adoption and paternity pay	Three years after the end of the tax year they relate to
Statutory sick pay	Three years after the end of the tax year they relate to
Working time	Two years from date on which they were made
National minimum wage	Three years after the end of the pay reference period following the one that the records cover
Retirement benefits schemes - notifiable events, eg relating to incapacity	Six years from the end of the scheme year in which the event took place
Application forms/interview notes for unsuccessful candidates	One year
Health and safety consultations	Permanently
Controlled waste transfer notes	Current year and previous 2 years
Parental leave	Five years from birth/adoption, or until child is 18 if disabled
Pensioners' records	12 years after benefit ceases
Personnel files and training records	Six years after employment ceases
Redundancy details	Six years from date of redundancy
Information on senior executives	Permanently for historical purposes
Documents proving the right to work	Two years after employment ceases
Fees and fee payment records	Current year and previous 6 years
Invoices	Current year and previous 6 years
Accounts	Current year and previous 6 years
Bank statements and records	Current year and previous 6 years
Funding records	Current year and previous 25 years
Day lists	Current year and previous 25 years
Registers	Current year and previous 25 years
SEN records and nappy records	Current year and previous 25 years
Playgroup and KASC contracts	Current year and previous 25 years
Food hygiene records	Current year and previous year
Board minutes	Permanently
Children's records – summary	Current year and previous 25 years
Photographs	Current year and previous year on computer. A selection of photographs permanently in hard copy (eg yearbooks and annual group photographs).

Diaries	Current year and previous 25 years
Letters to parents/ parent information	Current year and previous year
Medical records and accident forms	Current year and previous 25 years
Questionnaires	Current year and previous year
Questionnaire summaries	Current year and previous 2 years
Staff meetings	Current year and previous 25 years
Health and safety	Current year and previous 25 years
Work experience	Current year and previous 25 years

### **Destruction of records**

On a day to day basis, any records that are no longer required which contain personal details will be shredded on-site. All other records will be disposed of. Computer based records, records on memory sticks and external hard drives will be permanently deleted at the end of the retention period. Computer hard drives will be physically destroyed once no longer required. The secure archive storage company may be asked to destroy records on our behalf.

### **Further information**

This policy gives basic information about the Data Protection Act and should not be taken as a definitive guide to the law. For further information contact:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

01625 545745

[www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)

*Source: The National Early Years Network Members' Briefing, Data Protection Act, October 2001*

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## **APPENDIX 1**

### **Privacy Notice - Data Protection Act 1998**

We, Kineton Playgroup, are the Data Controller for the purposes of the Data Protection Act. We collect information from you about you and your child, and may receive information about your from their previous early years setting or school, or any other setting they may attend currently. We hold this personal data and use it to:

- support teaching and learning;
- monitor and report on progress;
- provide appropriate pastoral care, and
- consider how well the setting is doing.

This information includes contact details, early years foundation stage and national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

We will not give information about you to anyone outside the setting without your consent unless the law and our rules permit it. We are required by law to pass some of your information to the Local Authority (LA), and the Department for Children, Schools and Families (DCSF).

If you want to see a copy of the information we hold and share about you then please contact Carol Hooper.

If you require more information about how the LA and/or DCSF store and use this data please go to the following websites:

- [www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)
- <http://www.teachernet.gov.uk/doc/13856/DCSF%20what%20we%20do%20with%20Children's%20data%20v4%20final.doc>

If you are unable to access these websites, please contact the LA or the DCSF as follows:

Warwickshire County Council, Shire Hall, Warwick CV34 4SA  
01926 410410

Public Communications Unit  
Department for Children, Schools and Families  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

[www.dcsf.gov.uk](http://www.dcsf.gov.uk)    [info@dcsf.gsi.gov.uk](mailto:info@dcsf.gsi.gov.uk)    0870 000 2288

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## **APPENDIX 2**

Copy of Fair Processing Notice issued by Warwickshire County Council and displayed in setting.