

Polasaithe Naíonra Céimeanna Beaga

Polasaí 45: Data Retention Policy



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Validity and document management	<p>This document is valid from Nov 1 2018.</p> <p>The owner of this document is the Owner / Manager, who must check and, if necessary, update the document at least once a year.</p> <p>This policy was adopted by Naíonra Céimeanna Beaga on 1 Nov 2018.</p> <p>Signed by: Katie Uí Chaoimh; Príomh Stiúthóir on behalf of Naíonra Céimeanna Beaga</p>

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1. Introduction

Naíonra Céimeanna Beaga strives to comply with applicable laws and regulations related to the retention of personal data in Ireland.

This policy outlines the basic rules by which Naíonra Céimeanna Beaga manages the retention of the personal data of parents, children, suppliers, employees and other individuals that is processed by Naíonra Céimeanna Beaga. The policy sets out the required retention periods for different categories of data and sets out the minimum standards to be applied when destroying certain information.

2. Who is this policy for?

All employees either permanent or temporary, all contractors, all volunteers and students, regardless of their length of employment/placement in the service, are required to read and understand this document, so they are fully aligned with the policy of Naíonra Céimeanna Beaga. This document will be made available to parents or guardians on request.

This policy applies to all data used at Naíonra Céimeanna Beaga. Examples of data include:

- Emails
- Hard copy documents (child record forms, attendance records etc.)
- Soft copy documents (scanned enrolment form etc.)
- Video, audio and photographs
- Data generated by physical access control systems (Keypads, Fob systems etc.)

3. Retention Rules

Retention Schedule

The Owner/Manager defines the time period for which documents and electronic records should be retained through the Data Retention Schedule. These retention periods are predominantly determined by statutory obligations.

As an exemption, retention periods within the Data Retention Schedule will be prolonged in cases such as:

- Ongoing investigations from Irish authorities, if there is a chance records of personal data are needed by Naíonra Céimeanna Beaga to prove compliance with any legal requirements; or
- When exercising legal rights during legal cases or similar court proceedings recognised under Irish law.

Safeguarding of Data during Retention Period

If personal data is physically retained in hard copy format this personal data may become out of date quickly and this will be considered by the Owner/ Manager. If personal data is retained on electronic storage media (hard drive, server) or in the cloud, the Owner/ Manager will ensure that backup copies of the information also is available. The 3-2-1 backup strategy will be used: 3 copies total, 2 local copies, 1 offsite. Responsibility for the storage of data falls to the Owner/Manager.

Destruction of Data

Naíonra Céimeanna Beaga and its employees will regularly review all data, whether held electronically or in hard copy format, to decide whether to destroy or delete any data once the purpose for which those documents were created is fulfilled. See Appendix 1 which outlines the Data Retention Schedule. Overall responsibility for the destruction of data falls to the Owner / Manager.

Once the decision is made to dispose of personal data according to the Data Retention Schedule, the data will be deleted, shredded or otherwise destroyed appropriately.

The method of destruction varies and will be dependent upon the nature of the document. For example, any documents that contain sensitive or confidential information (and particularly sensitive personal data) will be disposed of as confidential waste and be subject to secure electronic deletion. The Document Disposal Schedule section below defines the method of disposal.

The specific deletion or destruction process may be carried out either by an employee or by an internal or external service provider that the Owner/ Manager subcontracts for this purpose. Destruction of data is always approved by the Owner / Manager and the details recorded. Any applicable general provisions under relevant data protection laws and Naíonra Céimeanna Beaga's Personal Data Protection Policy shall be complied with.

Appropriate controls are in place to prevent the permanent loss of essential information of Naíonra Céimeanna Beaga as a result of malicious or unintentional destruction of information.

The Owner/ Manager shall fully document and approve the destruction process.

Breach, Enforcement and Compliance

The person appointed with responsibility for Data Protection, the Owner / Manager, ensures that each employee complies with this policy. It is also the responsibility of the Owner/ Manager to assist any local office with enquiries from any local data protection or governmental authority.

Any suspicion of a breach of this Policy must be reported immediately to the Owner / Manager. All instances of suspected breaches of the Policy shall be investigated, documented and action taken as appropriate.

Failure to comply with this Policy may result in adverse consequences, including, but not limited to, loss of customer confidence and possibly litigation, financial loss and damage to Naíonra Céimeanna Beaga reputation, personal injury, harm or loss. Non-compliance with this Policy by employees, or any third parties, who have been granted access to Naíonra Céimeanna Beaga premises or data, may therefore result in disciplinary proceedings or termination of their employment or contract. Such non-compliance may also lead to legal action against the parties involved in such activities.

4. Document Disposal

Routine Disposal Schedule

Records (only those containing personal data) which may be routinely destroyed unless subject to an on-going legal or regulatory inquiry are as follows:

- Announcements and notices of day-to-day activities;
- Message slips;
- Outing reminder slips;
- Newsletters.

The Owner/Manager will determine what documents can be routinely destroyed.

If there is a current court case or legal proceedings, all documents will be retained. Advice will be sought before disposing of documentation that may be subject to legal proceedings.

Destruction Method

Documents that include any personal data shall be disposed of confidentially (cross-cut shredded and incinerated) and shall be subject to secure electronic deletion if stored electronically. The Data Disposal Schedule will be completed in all cases of disposing of documents containing personal data. Confirmation of destruction will be sought as needed.

5. Validity and document management

This document is valid from _____(date).

The owner of this document is the Owner / Manager, who must check and, if necessary, update the document at least once a year.

This policy was adopted by Naíonra Céimeanna Beaga on Date: _____

Signed by: _____ **On behalf of Management**
Position in Setting (Manager or Chairperson of Board of Management)

This policy will be reviewed by _____ **on** _____

Appendix – 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.
Child Accident & Incident Records	
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).
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 three years after the child has left the childcare service. Consent form for photographs/videos must specify how long the photographs/videos are retained for.

Employee Records	
Personal Data Record Type	Retention Period & Notes
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

Operational Records	
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

Financial Records	
Personal Data Record Type	Retention Period & Notes
Accounts	7 years