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Legal Matters

10. LEGAL MATTERS

::10.1 RELEVANT LEGISLATION IN NORTHERN IRELAND

The main relevant legislation relating to child protection in Northern Ireland includes:

- :: The Criminal Law Act 1967
- :: The United Nations Convention of the Rights of the Child (1989)
- :: The Children (NI) Order 1995
- :: Disability Discrimination Act 1995
- :: The Sex Offenders Act 1997
- :: The Family Homes and Domestic Violence (NI) Order 1998
- :: The Criminal Justice (Children) (NI) Order 1998
- :: The Human Rights Act 1998
- :: The Sexual Offences Act 2003
- :: Protection of Children & Vulnerable Adults (NI) Order 2003
- :: Safeguarding Vulnerable Groups Act 2006
- :: Safeguarding Vulnerable Groups (NI) Order 2007

::10.2 RELEVANT LEGISLATION IN THE REPUBLIC OF IRELAND

Within the Republic of Ireland the main legislation governing the care and protection of children is:

- :: The United Nations Convention of the Rights of the Child (1989)
- :: The Child Care Acts 1991
- :: The Domestic Violence Acts 1996
- :: The Protection for Persons Reporting Child Abuse Act 1998
- :: Children First Guidelines 1999
- :: Freedom of Information Act 2000
- :: Children's Act 2001
- :: Children Trafficking and Prostitution/Sex Offender Act 2001
- :: Criminal Law (Sexual Offences) Act 2006
- :: Criminal Justice Act 2006

::10.3 DATA PROTECTION

Under the Data Protection Act (1998) registered organisations should be aware that they must be careful when handling personal data belonging to children and leaders eg names, phone numbers, addresses and medical information.

Organisations must only hold data which is adequate, relevant and not excessive in relation to the purpose for which it is held. They must ensure that personal data is accurate and where necessary, kept up to date. Organisations must do what they can to prevent unauthorised or accidental access to personal data and must hold data for no longer than necessary. Therefore the following principles should be followed for all organisations in answer to the questions below:

Where should forms be kept?

- ∴ All consent forms, accident forms, or any information on children or leaders should be kept in a confidential but accessible location. A locked filing cabinet on church premises is a good example.
- ∴ All consent forms, accident forms, or any information on children or leaders should not be kept in a person's own home for long periods of time.
- ∴ Leaders must ensure that they have easy access to relevant data such as children's contact details and medical information when the organisation is meeting.
- ∴ Incident/accident forms should also be held securely on church premises.

Who should have access to information on children and leaders?

- ∴ Information about children and leaders should be on a need-to-know basis.
- ∴ The exception to this is medical information where it is important that all leaders in a supervisory role are aware of conditions that children have.
- ∴ Information about leaders and children should not be given to any external party but only used for the purpose for which it was given.

What about data kept on computers?

- ∴ The same rules apply for data kept on computers; data is confidential and should be kept on church premises. In order to keep the data protected, it should be held on a dedicated password protected file.

How long should records on children and leaders be kept?

- ∴ Consent forms (basic information such as name, date of birth and address) should be kept for up to six years after the child has left the organisation. Thereafter, it should either be destroyed (ie shredded or burnt) or given back to the child or parent.
 - ∴ The same applies to information on leaders – ie it is retained for up to six years after they have left their position.
 - ∴ Incident/accident forms and the register of all leaders should be kept indefinitely.
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