Photos, notification of the ICO, and some misconceptions.

Nowadays the camera and the computer are an important part of the professional childminder's tool kit. Some childminders have asked for clarification about storing photographs, and the requirement to 'notify' the Information Commissioner's Office.
We can confirm that if a childminder is using a computer, laptop, or memory stick to store, retrieve, process photographs and children's records, then this requires the childminder to notify the ICO as a 'data controller'. The website for the Information Commissioner's Office addresses childminders directly and says….
"*The Data Protection Act requires all businesses to notify, unless exempt. Notification is necessary if you are processing personal information electronically for the provision of childcare. This includes taking photographs of the children in your care using a digital camera*".

Notification (registration) relates only to electronic storage, not to actual hard copy photographs and paper records about children. However since most childminders nowadays use the computer and/or a digital camera to record information about children, it can be assumed that most childminders should notify the ICO. Failure to notify is a criminal offence. Notification costs £35 a year.
The Information Commissioner's Office exists to uphold information rights for the individual: basically the ICO regulates and gives advice in relation to the Data Protection Act 1989. Unfortunately, the notification fee is not an insurance policy, as some people have mistakenly suggested, but childminders can phone the **ICO helpline for advice on any data protection matters on 0303 123 1113. Website https://ico.org.uk/**

Notification of the ICO only relates to electronic processing, but the **Data Protection Act** covers storage/ processing of personal information in general (that is, both paper and electronic information about individuals/children who are living and can be identified).
What does the Data Protection Act say? It says the 'data controller' (childminder in this case) should have good reason to hold the personal data, use the data in a way that would not cause distress to the subject, be transparent about how the data is used, respect privacy, handle the data in a way that the individual would reasonably expect, make sure the data is relevant, not excessive, up to date and not stored longer then is necessary.
Childminders already reflect these basic data protection principles by storing photographs and information about their minded children in a sensible and responsible way, such as: getting clear and specific permissions from parents about the use of photos, storing paper records safely in the house, installing virus-checking on the computer, encrypting the laptop (password protected), removing personal information before disposing of an old computer, and so on.

Some childminders have wondered if photographs of minded children can be taken out of the house on occasion, for example when submitting a folder of work to an assessor. There is no law to say that you should not take photos of minded children out of the house. In order to make a decision ask yourself if there good reason to take the photographs out of the house, is that reason clear to the parent and with the agreement of the parent, are the photos/ information handled responsibly in the way that the parent would reasonably expect? If you have covered these considerations then you are a responsible data controller conforming to the Data Protection Act.

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N. B. To be clear, we cannot avoid registration with the Information Commissioner's Office by deleting photographs from a digital camera once the photos have been sent to parents. The only way that registration/notification of ICO could be avoided would be if a childminder used an old–fashioned, non-digital camera without processing the image electronically. Any questions, phone the ICO helpline. It may be a good idea to delete digital photographs once they are shared with parents or printed out for the child's 'learning journey', but this is for reasons of responsible data control, rather than to avoid paying the ICO.