

# Holme Grange School



## DATA RETENTION POLICY

| <b>Date:</b>         | <b>Amendment:</b>      | <b>Reviewed by:</b>   | <b>Authorised by:</b>                         |
|----------------------|------------------------|-----------------------|---|
| <b>August 2022</b>   | <b>Next review due</b> |                       |   |
| <b>April 2021</b>    | <b>Reviewed</b>        | <b>Darren Gosling</b> | <b>SMT April 2021 and passed to Governors</b> |
| <b>November 2019</b> | <b>New Policy</b>      | <b>Darren Gosling</b> |   |

## **Data Retention Policy**

This policy sets out the minimum periods of retention of the personal data that we process. We will seek to balance the benefits of keeping detailed and complete records – for the purposes of good practice, archives or general reference – with practical considerations of storage, space and accessibility. However, there are legal considerations in respect of retention of records and documents, which must be borne in mind. These include:

- statutory duties and government guidance relating to schools, including for safeguarding;
- disclosure requirements for potential future litigation;
- contractual obligations;
- the law of confidentiality and privacy; and
- the General Data Protection Regulations and associated legislation.

These will inform not only minimum and maximum retention periods, but also what to keep and who should be able to access it.

## **Child protection and document retention**

In the light of the Independent Inquiry into Child Sexual Abuse and various high-profile safeguarding cases, all independent schools are aware of the emphasis currently being placed on long-term, lifetime or even indefinite keeping of full records related to incident reporting. Regardless of suggested retention timescales set out below, Holme Grange School may at its discretion extend this rule to any and/or all personnel and pupil files on a 'safety first' basis.

These guidelines have been drafted in full awareness of these considerations. Data protection issues should never put child safety at risk, nor take precedence over the general prevention and processing of safeguarding.

## **Meaning of "Record"**

In these guidelines, "record" means any document or item of data which contains evidence or information relating to the school, its staff or pupils. Some of this material, but not all, will contain personal data of individuals as defined in the GDPR.

Many, if not most, new and recent records will be created, received and stored electronically. Others (such as Certificates, Registers, or older records) will be original paper documents. The format of the record is less important than its contents and the purpose for keeping it.

Both paper and digital records will be stored securely and all appropriate measures taken to ensure the security of the data at all times.

## **Secure disposal of documents**

When data is to be destroyed, this may be carried out by an appropriately licenced third party. For confidential, sensitive or personal information to be considered securely disposed of, it must be in a condition where it cannot either be read or reconstructed. Skips and 'regular' waste disposal will not be considered secure.

Paper records or images should be placed in one of the school's four 'Shred on Site' confidential waste units; devices for digital storage and recordings should be dismantled or broken into pieces. Where third party disposal experts are used they will be subject to adequate contractual obligations to the school to process and dispose of the information confidentially and securely.

## Timescales for retention

The timescales below are given as a guide for minimum retention periods. Figures given are not intended as a substitute to exercising thought and judgment, or taking specific advice, depending on the circumstances. Indeed, the essence of this guidance can be boiled down to the necessity of exercising thought and judgment – practical considerations mean that case-by-case 'pruning' of records may be impossible. It is therefore accepted that sometimes a more systemic or broad-brush approach is necessary.

Holme Grange School will err on the side of retention, rather than disposal, of staff and pupil files until more settled guidance is given to schools. This will protect the rights of the individual to bring a claim or for the purpose of 'Safety First'.

### TABLE OF RETENTION PERIODS

Holme Grange has developed this table with reference and guide from ISBA.

Any queries or questions regarding this Data Retention Policy should be referred to the HR and Compliance Manager.

| Type of Record/Document   | Retention Period <sup>1</sup>   |
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| <u>SCHOOL-SPECIFIC RECORDS</u> <ul style="list-style-type: none"><li>• Registration documents of School</li><li>• Attendance Register</li><li>• Minutes of Governors' meetings</li><li>• Annual curriculum</li><li>• Lunch Register</li><li>• Prep Register</li></ul> | <p>Permanent (or until closure of the school)</p> <p>6 years from last date of entry, then archive.</p> <p>6 years from date of meeting</p> <p>From end of year: 3 years (or 1 year for other class records: e.g. marks / timetables / assignments)</p> <p>Current Term only</p> <p>Current Academic Year</p> |

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| <p><u>INDIVIDUAL PUPIL RECORDS</u></p> <ul style="list-style-type: none"> <li>• Admissions: application forms, assessments, records of decisions</li> <li>• Examination results (external or internal)</li> <li>• Pupil file including: <ul style="list-style-type: none"> <li>- Pupil reports</li> <li>- Pupil performance records</li> <li>- Pupil medical records</li> </ul> </li> <li>• Special educational needs records (<i>to be risk assessed individually</i>)</li> <li>• Pastoral Meeting Notes</li> <li>• Early Years Funding records</li> <li>• Trip Letters and Consent</li> </ul> | <p><b><i>NB – this will generally be personal data</i></b></p> <p>25 years from date of birth (or up to 7 years from the pupil leaving). If unsuccessful: up to 1 year.</p> <p>7 years from pupil leaving school</p> <p>ALL: 25 years from date of birth (subject to where relevant to safeguarding considerations: any material which may be relevant to potential claims should be kept for the lifetime of the pupil).</p> <p>Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period)</p> <p>7 years from pupil leaving school unless incident which should be kept as child protection files/incident reporting</p> <p>7 years</p> <p>Current Academic Year</p>   |
| <p><u>SAFEGUARDING</u></p> <ul style="list-style-type: none"> <li>• Policies and procedures</li> <li>• DBS disclosure certificates (if held)</li> <li>• Accident / Incident reporting</li> <li>• Child Protection files</li> </ul>  | <p><b>NB see note above: IICSA, child protection &amp; document retention</b></p> <p>Keep a permanent record of historic policies</p> <p><u>No longer than 6 months</u> from decision on recruitment, unless DBS specifically consulted – but a record of the checks being made must be kept, if not the certificate itself.</p> <p>Keep on record for as long as any living victim may bring a claim (NB civil claim limitation periods can be set aside in cases of abuse). Ideally, files to be reviewed from time to time if resources allow and a suitably qualified person is available.</p> <p>If a referral has been made / social care have been involved; or child has been subject of a multi-agency plan; or there is a risk of future claims – indefinitely.</p> <p>If low-level concerns, with no multi-agency action, apply applicable school low-level concerns rationale (this may be 25 years from date of birth OR indefinitely).</p> |

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| <p><u>CORPORATE RECORDS (where applicable)</u></p> <ul style="list-style-type: none"> <li>• Certificates of Incorporation</li> <li>• Minutes, Notes and Resolutions of Boards or Management Meetings</li> <li>• Register of Members/Shareholders</li> </ul> | <p><b>eg where schools have trading arms</b></p> <p>Permanent (or until dissolution of the company)</p> <p>Minimum – 10 years</p> <p>Permanent (minimum 10 years for ex members/shareholders)</p> |
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| <p><u>ACCOUNTING RECORDS</u> <sup>3</sup></p> <ul style="list-style-type: none"> <li>Accounting records (<i>normally taken to mean records which enable a company's accurate financial position to be ascertained &amp; which give a true and fair view of the company's financial state</i>)</li> <li>Tax returns</li> <li>VAT returns</li> <li>Budget &amp; internal financial reports</li> <li>Bursary applications</li> </ul> | <p>Minimum – 6 years for UK charities (and public companies) from the end of the financial year in which the transaction took place</p> <p>Minimum - 6 years</p> <p>Minimum – 6 years</p> <p>Minimum – 3 years</p> <p>Minimum – 1 year from pupil leaving school</p> |
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| <p><u>CONTRACTS AND AGREEMENTS</u></p> <ul style="list-style-type: none"> <li>Signed or final/concluded agreements (<i>plus any signed or final/concluded variations or amendments</i>)</li> <li>Deeds (or contracts under seal)</li> </ul>  | <p>Minimum – 7 years from completion of contractual obligations or term of agreement, whichever is the later</p> <p>Minimum – 13 years from completion of contractual obligation or term of agreement</p>   |
| <p><u>INTELLECTUAL PROPERTY RECORDS</u></p> <ul style="list-style-type: none"> <li>Formal documents of title (trade mark or registered design certificates; patent or utility model certificates)</li> <li>Assignments of intellectual property to or from the school</li> <li>IP / IT agreements (including software licences and ancillary agreements e.g. maintenance; storage; development; coexistence agreements; consents)</li> </ul> | <p>Permanent (in the case of any right which can be permanently extended, eg trade marks); otherwise expiry of right plus minimum of 7 years.</p> <p>As above in relation to contracts (7 years) or, where applicable, deeds (13 years).</p> <p>Minimum – 7 years from completion of contractual obligation concerned or term of agreement</p>  |
| <p><u>EMPLOYEE / PERSONNEL RECORDS</u></p> <ul style="list-style-type: none"> <li>Single Central Record of employees</li> <li>Contracts of employment</li> <li>Employee appraisals or reviews</li> <li>Staff personnel file</li> </ul>   | <p><b><i>NB this will contain personal data</i></b></p> <p>Keep a permanent record that mandatory checks have been undertaken (but do <u>not</u> keep DBS certificate information itself: 6 months as above)</p> <p>7 years from effective date of end of contract</p> <p>Duration of employment plus minimum of 7 years</p> <p>As above, but <u>do not delete any information which may be relevant to historic safeguarding claims.</u></p> |

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| <ul style="list-style-type: none"> <li>• Payroll, salary, maternity pay records</li> </ul>                                    | Minimum – 6 years  |
| <ul style="list-style-type: none"> <li>• Pension or other benefit schedule records</li> </ul>                                 | Possibly permanent, depending on nature of scheme  |
| <ul style="list-style-type: none"> <li>• Job application and interview/rejection records (unsuccessful applicants)</li> </ul> | Minimum 3 months but no more than 1 year   |
| <ul style="list-style-type: none"> <li>• Immigration records</li> </ul>   | Minimum – 4 years  |
| <ul style="list-style-type: none"> <li>• Health records relating to employees</li> </ul>                                      | 7 years from end of contract of employment   |
| <ul style="list-style-type: none"> <li>• Low-level concerns about adults</li> </ul>   | Regular review recommended to justify longer-term retention as part of safeguarding files. |

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| <p><u>INSURANCE RECORDS</u></p> <ul style="list-style-type: none"> <li>• Insurance policies (will vary – private, public, professional indemnity)</li> </ul> | Duration of policy (or as required by policy) plus a period for any run-off arrangement and coverage of insured risks: ideally, until it is possible to calculate that no living person could make a claim. |
| <ul style="list-style-type: none"> <li>• Correspondence related to claims/ renewals/ notification re: insurance</li> </ul>                                   | Minimum – 7 years   |
| <p><u>ENVIRONMENTAL, HEALTH &amp; DATA</u></p> <ul style="list-style-type: none"> <li>• Maintenance logs</li> </ul>  | 10 years from date of last entry  |
| <ul style="list-style-type: none"> <li>• Accidents to children <sup>4</sup></li> </ul>   | 25 years from birth (longer for safeguarding)   |
| <ul style="list-style-type: none"> <li>• Accident at work records (staff) <sup>4</sup></li> </ul>  | Minimum – 4 years from date of accident, but review case-by-case where possible   |
| <ul style="list-style-type: none"> <li>• Staff use of hazardous substances <sup>4</sup></li> </ul>   | Minimum – 7 years from end of date of use   |
| <ul style="list-style-type: none"> <li>• Risk assessments (carried out in respect of above) <sup>4</sup></li> </ul>  | 7 years from completion of relevant project, incident, event or activity.   |
| <ul style="list-style-type: none"> <li>• Data protection records documenting processing activity, data breaches</li> </ul>                                   | No limit: as long as up-to-date and relevant (as long as no personal data held)   |

FOOTNOTES:

1. General basis of suggestion:

Some of these periods will be mandatory legal requirements (e.g. under the Companies Act 2006 or the Charities Act 2011, depending on status), but in the majority of cases these decisions are up to the institution concerned. The suggestions will therefore be based on practical considerations for retention such as limitation periods for legal claims, and guidance from Courts, weighed against whether there is a reasonable argument in respect of data protection.

2. The High Court has found that a retention period of 35 years was within the bracket of legitimate approaches. It also found that it would be disproportionate for most organisations to conduct regular reviews, but at the time of writing the ICO (Information Commissioner's Office) still expects to see a responsible assessment policy (e.g. every 6 years) in place.
3. Retention period for tax purposes should always be made by reference to specific legal or accountancy advice.
4. Be aware that latent injuries can take years to manifest, and the limitation period for claims reflects this: so keep a note of all procedures as they were at the time, and keep a record that they were followed. Also keep the relevant insurance documents.

**Farrer & Co LLP**

**May 2019**