

Storage and Retention of Data Policy

1. Secure disposal of documents

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 should be shredded using a cross-cutting shredder; CDs / DVDs / diskettes should be cut into pieces. Hard-copy images, AV recordings and hard disks should be dismantled and destroyed.

Where third party disposal experts are used they should ideally be supervised but, in any event, under adequate contractual obligations to the school to process and dispose of the information.

2. Table of suggested retention periods

The table below has three main functions:

- it should help staff identify the key types of document concerned.
- it should focus attention on any particular issues associated with those types of document.
- finally – and this needs to be emphasised – it acts as an outline guide only.

Note that, except where there is a specific statutory obligation to destroy records, it is misleading to use prescriptive time 'limits'. Figures given are not intended as a substitute to exercising thought and judgment, or to take specific advice, depending on the circumstances.

Indeed, the essence of this guidance can be boiled down to the necessity of exercising thought and judgment – albeit that practical considerations mean that case-by-case 'pruning' of records may be impossible. It is accepted that sometimes a more systemic or broad-brush approach is necessary, which is where the table comes in.

TABLE OF SUGGESTED RETENTION PERIODS

Type of Record/Document	<u>Suggested</u> ¹ Retention Period
<u>SCHOOL-SPECIFIC RECORDS</u> <ul style="list-style-type: none"> • Registration documents of School • Attendance Register • Minutes of Governors' meetings • Annual curriculum 	<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: eg marks / timetables / assignments)</p>
<u>INDIVIDUAL PUPIL RECORDS</u> <ul style="list-style-type: none"> • Admissions: application forms, assessments, records of decisions • Examination results (external or internal) • Pupil file including: <ul style="list-style-type: none"> o Pupil reports o Pupil performance records o Pupil medical records • Special educational needs records (<i>to be risk assessed individually</i>) 	<p><i>NB – this will generally be personal data</i></p> <p>25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision).</p> <p>7 years from pupil leaving school</p> <p>ALL: 25 years from date of birth (subject 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><u>SAFEGUARDING</u></p> <ul style="list-style-type: none"> • Policies and procedures • DBS disclosure certificates (if held) • Accident / Incident reporting <p>Child Protection files</p>	<p><i>NB – please read notice at the top of this note</i></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. ²</p> <p>If a referral has been made / social care have been involved or child has been subject of a multi-agency plan – indefinitely.</p> <p>If low level concerns, with no multi-agency act – apply applicable school low-level concerns policy rationale (this may be 25 years from date of birth OR indefinitely).</p>
<p><u>CORPORATE RECORDS (where applicable)</u></p> <ul style="list-style-type: none"> • Certificates of Incorporation • Minutes, Notes and Resolutions of Boards or Management Meetings • Shareholder resolutions • Register of Members/Shareholders • Annual reports 	<p><i>eg where schools have trading arms</i></p> <p>Permanent (or until dissolution of the company) Minimum – 10 years</p> <p>Minimum – 10 years</p> <p>Permanent (minimum 10 years for ex-members/shareholders) Minimum – 6 years</p>
<p><u>ACCOUNTING RECORDS</u> ³</p> <ul style="list-style-type: none"> • Accounting records (<i>normally taken to mean records which enable a company's accurate financial position to be ascertained & which give a true and fair view of the company's financial state</i>) <u>[NB specific ambit to be advised by an accountancy expert]</u> 	<p>Minimum – 3 years for private UK companies (except where still necessary for tax returns)</p> <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>Internationally: can be up to 20 years depending on local legal/accountancy requirements</p>

<ul style="list-style-type: none"> • Tax returns • VAT returns • Budget and internal financial reports 	<p>Minimum – 6 years</p> <p>Minimum – 6 years</p> <p>Minimum – 3 years</p>
<u>CONTRACTS AND AGREEMENTS</u>	
<ul style="list-style-type: none"> • Signed or final/concluded agreements (<i>plus any signed or final/concluded variations or amendments</i>) • Deeds (or contracts under seal) 	<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>
<u>INTELLECTUAL PROPERTY RECORDS</u>	
<ul style="list-style-type: none"> • Formal documents of title (trade mark or registered design certificates; patent or utility model certificates) • Assignments of intellectual property to or from the school 	<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>
<ul style="list-style-type: none"> • IP / IT agreements (including software licences and ancillary agreements eg maintenance; storage; development; coexistence agreements; consents) 	<p>Minimum – 7 years from completion of contractual obligation concerned or term of agreement</p>
<u>EMPLOYEE / PERSONNEL RECORDS</u>	
<ul style="list-style-type: none"> • Single Central Record of employees • Contracts of employment • Employee appraisals or reviews • Staff personnel file • Payroll, salary, maternity pay records • Pension or other benefit schedule records 	<p><i>NB this will almost certainly be personal data</i></p> <p>Keep a permanent record of all mandatory checks that have been undertaken (not certificate)</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> <p>Minimum – 6 years</p> <p>Possibly permanent, depending on nature of scheme</p>

<ul style="list-style-type: none"> • Job application and interview/rejection records (unsuccessful applicants) • Immigration records • Health records relating to employees 	<p>Minimum 3 months but no more than 1 year</p> <p>Minimum – 4 years</p> <p>7 years from end of contract of employment</p>
<u>INSURANCE RECORDS</u>	
<ul style="list-style-type: none"> • Insurance policies (will vary – private, public, professional indemnity) • Correspondence related to claims/ renewals/ notification re: insurance 	<p>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.</p> <p>Minimum – 7 years</p>
<u>ENVIRONMENTAL & HEALTH RECORDS</u>	
<ul style="list-style-type: none"> • Maintenance logs • Accidents to children ⁴ • Accident at work records (staff) ⁴ • Staff use of hazardous substances ⁴ 	<p>10 years from date of last entry</p> <p>25 years from birth (unless safeguarding incident)</p> <p>Minimum – 4 years from date of accident, but review case-by-case where possible</p> <p>Minimum – 7 years from end of date of use</p>
<ul style="list-style-type: none"> • Risk assessments (carried out in respect of above) ⁴ 	<p>7 years from completion of relevant project, incident, event or activity.</p>

FOOTNOTES:

1. General basis of suggestion:

Some of these periods will be mandatory legal requirements (eg under the Companies Act 2006 or the Charities Act 2011), 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 (eg 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.

Bursar

Updated May 2018

Review date May 2019