



DATA RETENTION POLICY

Date policy reviewed:	23 September 2021
Date of next review:	23 September 2022
Person(s) responsible for review:	SLT (Bursar)

Purpose

This policy sets out the School's expectations and procedures with respect to the retention of personal data it holds about data subjects (e.g. parents, pupils and employees). Those who are involved in the processing of personal data are obliged to comply with this policy when doing so. It should be read in conjunction with the School's Data Protection Policy.

Background

The General Data Protection Regulation (GDPR) sets out a number of data protection principles that the School must comply with. Principle 5 requires the School to ensure that personal data is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. Personal data may only be stored for longer periods providing this is for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

GDPR does not fundamentally change the principles for length of document retention – it is still a question of relevance and purpose, as well as data security. It does, however, have stricter rules about use and storage of personal data generally with the practical effect of requiring more dynamic, efficient and secure storage systems.

Importance

It is important to follow this policy because:

- All information held by The Manor needs to be justifiable, by reference to its purpose;
- The Manor must be transparent and accountable as to what it holds;
- The Manor must understand and explain the reasons why it holds personal data – which also means keeping records that explain how decisions around personal data are made;
- The Manor must be prepared to respond to subject access requests without undue delay;
- The Manor must be able to amend, delete or transfer data promptly upon any justified request, or otherwise prepared to explain why they will not;
- The Manor should be able to audit how personal data was collected and when; and
- Sensitive data must be afforded additional protection and held securely and accessed only by those with reason to view it.

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Golden Rules

Staff must adhere to the following Golden Rules for retaining personal data:

Do's

- ✓ Review personal data you hold regularly and only retain it if necessary. This includes in your work space, on your computer and in your classroom.
- ✓ Consider the retention periods at the end of this policy as a guide to whether personal data may be due for destruction or deletion.
- ✓ If you decide to retain personal data, make sure it is stored and accessed securely in accordance with the Data Protection Policy. This might include, for instance, storing important emails in a separate folder.
- ✓ If you decide to delete or destroy personal data, as it is no longer required, consider how to do this securely in line with the Data Protection Policy. This might include shredding hardcopy documents or deleting electronic documents and emails.
- ✓ Consider anonymising personal data if you would like to retain the data but do not need to identify individuals from it.
- ✓ Keep a note of what you have deleted or destroyed which can be accessed if your decision comes under review.

Don'ts

- × Keep data for longer than you need it.
- × Delete or destroy personal data when you have a lawful reason to retain it.
- × Assume that a record can be deleted after a specific amount of time because this is what has happened in the past; there may be a lawful reason to retain it.
- × Let records pile up in your office or classroom or in your personal drives without considering whether they can be archived or destroyed.
- × Assume that a record is no longer held if you delete it or destroy it in one place. There may be copies of the same record held in other places that would also need to be retrieved and deleted or destroyed.

Archiving (including at Church Farm House)

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All files that are archived before December 2016 are placed in secure storage at Church Farm House. Church Farm House is owned by the School and only authorised School staff are permitted access to it. It is securely locked and alarmed at all times. Archives are kept on the first floor in a small number of rooms. Files archived from December 2016 are placed in an alternative secure location on the main school site.

Staff that wish to access these records must sign for them when they are removed and must also do the same when they are returned. This ensures that accurate records are kept of where they are located. Staff must follow the Data Protection Policy when storing these records in their own workspace.

A member of staff should only request that personal data is archived having considered this policy and the Golden Rules on when personal data should be retained.

Staff that would like certain records to be archived must follow a procedure to ensure that effective records are kept of archives. This includes recording in a central spreadsheet which department has requested archiving, the content of each archived box, the expected date when it can be destroyed, and the assigned unique reference number. The box is then clearly labelled with the unique reference number. The Bursar will keep the spreadsheet updated and will review it periodically to ensure that records are destroyed in a timely manner.

The School acknowledges that older records archived before December 2016 have not followed the above procedure for historic reasons. For these records, which are extensive, the School will review them gradually over the next few years, as time and resources allow. Records that are identified as no longer required will be securely deleted; records that should be retained will be recorded in line with the above procedure.

Child Protection Inquiry

The Inquiry into Child Sexual Abuse (IICSA) was established as a statutory inquiry to consider the growing evidence of institutional failure to protect children from sexual abuse. As with all schools in England and Wales, The Manor falls within the Terms of Reference of IICSA, which are broadly defined.

Staff should retain records that may fall within the remit of IICSA until it has concluded. This is referred to at relevant points in the retention table which can be found at the end of this policy. There is no confirmed date for the inquiry to close so staff should bare this in mind until further notice.



The Manor

Preparatory School

TABLE OF RETENTION PERIODS

Type of Record/Document

Retention Period

INDIVIDUAL PUPIL RECORDS

- | | |
|---|---|
| <ul style="list-style-type: none">• Admissions: application forms, assessments, records of decisions• Examination results (external or internal)• Pupil file including:
Pupil reports
Pupil performance records
Pupil medical records• Special educational needs records (<i>to be risk assessed individually</i>) | <ul style="list-style-type: none">• 25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision).• 7 years from pupil leaving school• 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).• Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period) |
|---|---|

SAFEGUARDING

- | | |
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| <ul style="list-style-type: none">• Policies and procedures• DBS disclosure certificates (if held)• Accident / Incident reporting• Child Protection files | <ul style="list-style-type: none">• Keep a permanent record of historic policies• <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.• 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.• If a referral has been made / social care have been involved or child has been subject of a multi-agency plan - indefinitely. 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). |
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EMPLOYEE / PERSONNEL RECORDS

- 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
- Job application and interview/rejection records (unsuccessful applicants)
- Immigration records
- Health records relating to employees
- Keep a permanent record of all mandatory checks that have been undertaken (but not DBS certificate itself: 6 months as above)
- 7 years from effective date of end of contract
- Duration of employment plus minimum of 7 years
- As above, but do not delete any information which may be relevant to historic safeguarding claims.
- Minimum – 6 years
- Possibly permanent, depending on nature of scheme
- Minimum 3 months but no more than 1 year
- Minimum – 4 years
- 7 years from end of contract of employment

INSURANCE RECORDS

- Insurance policies (will vary – private, public, professional indemnity)
- 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.
- Correspondence related to claims/ renewals/ notification re: insurance
- Minimum – 7 years

ENVIRONMENTAL, HEALTH & DATA

- Maintenance logs
- 10 years from date of last entry
- Accidents to children
- 25 years from birth (longer for safeguarding)
- Accident at work records (staff)
- Minimum – 4 years from date of accident, but review case-by-case where possible
- Staff use of hazardous substances
- Minimum – 7 years from end of date of use
- Risk assessments (carried out in respect of above)
- 7 years from completion of relevant project, incident, event or activity.

- Data protection records documenting processing activity, data breaches
- No limit: as long as up-to-date and relevant (as long as no personal data held)