

GDPR Data Retention Policy

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Approved by Governing Body

Signature:

Published by
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The Park ESC recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the school. This document provides the policy framework through which this effective management can be achieved and audited.

1. Scope of the Policy

This policy applies to all records created, received or maintained by staff at the school in the course of carrying out its functions.

- Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- A small percentage of the school's records will be selected for permanent preservation as part of the institution's archives and for historical research.

2. Responsibilities

- The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The Headteacher has overall responsibility for this policy.
- The person responsible for records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.
- Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

3. Relationship with Existing Policies

This policy has been drawn up within the context of:

- Freedom of Information Policy.
- GDPR Data Protection Policy
- and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the school.

4. Safe Disposal of Records

Where records have been identified for destruction they should be disposed of in an appropriate way. All records containing personal information, or sensitive policy information, should be shredded before disposal using a cross cut shredder. Any other records should be bundled up and disposed of to a waste paper merchant or disposed of in other appropriate ways. Do not put records in the dustbin or a skip.

There are companies who can provide confidential waste bins and other services which can be purchased to ensure that records are disposed of in an appropriate way.

The Freedom of Information Act 2000 requires the school to maintain a list of records which have been destroyed and who authorised their destruction.

Members of staff should record at least:

- File reference (or other unique identifier).
- File title (or brief description) and number of files.
- The name of the authorising officer and the date action taken.

This should be kept in an Excel spreadsheet or similar suitable format.

5. Transfer of Information

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media. The lifespan of the media and the ability to migrate data where necessary should always be considered.

6. School Closures

Should the school close there will be records which will need to be stored until they work out their statutory retention periods.

It is the responsibility of the Local Authority to manage these records until they have reached the end of their administrative life and to arrange for their disposal when appropriate. There may be a number of different reasons why a school has closed and this may affect where the records need to be stored.

- If the school has been closed and the site is being sold or reallocated to other use then the LA should take responsibility for the records from the date the school closes.
- If two schools have merged onto one site and then function as one school, it is sensible to retain all the records relating to the two schools on the one site.

- If The Park ESC closes and subsequently becomes an Academy, the records relating to the current pupil intake will be transferred to the Academy, but all other records become the responsibility of the LA.

7. Retention Guidelines

The following retention guidelines have been issued by the Management Society of Great Britain 'Retention Guidelines for Schools'. Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the Data Protection Act 1998¹ and the Freedom of Information Act 2000. Managing record series using these retention guidelines will be deemed to be 'normal processing' under the legislation mentioned above. If record series are to be kept for longer or shorter periods than laid out in this document the reasons for this need to be documented.

¹The General Data Protection Regulation (GDPR) is due to be implemented on 25th May 2018 and retention periods have been reviewed to ensure compliance with the GDPR.

Child Protection					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Child Protection files	Yes	Education Act 2002, related guidance "Safeguarding Children in Education", September 2004	Date of leaving + 25 years	Shred	Child Protection information must be copied and sent under separate cover to new school/college whilst the child is still under 18 (the information does not need to be sent to a university) Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority.
Allegation of a child protection nature against a member of staff, including where the allegation is unfounded	Yes	Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary and Grievance) Education Act 2002 guidance "Dealing with Allegations of Abuse against Teachers and Other Staff" November 2005	Until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer	Shred	The following is an extract from "Safeguarding Children and Safer Recruitment in Education" p60: "Record Keeping 5.10 It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. And it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer."

Governors					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Principal set Minutes (signed)	No		Permanent	Retain in school for 6 years from date of meeting	Transfer to Archives
Inspection copies	No		Date of meeting + 3 years	SHRED	
Agendas	No		Date of meeting	SHRED	
Reports	No		Date of report + 6 years	Retain in school for 6 years from date of meeting	Transfer to Archives
Annual Parents' meeting papers	No		Date of meeting + 6 years	Retain in school for 6 years from date of meeting	Transfer to Archives
Instruments of Government	No		Permanent	Retain in school	Transfer to Archives when the school has closed
Trusts and Endowments	No		Permanent	Retain in school whilst operationally required	Transfer to Archives
Action Plans	No		Date of action plan + 3 years	SHRED	It may be appropriate to offer to the Archives
Policy documents	No		Expiry of policy	Retain in school whilst policy is operational	Transfer to Archives
Complaints files	Yes		Date of resolution of complaint + 6 years	Retain in school for the first six years Review for further retention in the case of contentious disputes SHRED routine complaints	
Annual Reports required by the Department for Education and Skills	No		Education (Governors' Annual Reports) (England) (Amendment) Regulations 2002.SI 2002 No 1171	Date of report + 10 years	Transfer to Archives
Proposals for schools to become, or be established as Specialist Status schools	No			Current year + 3 years	Transfer to Archives

Management					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Log Books	Yes		Date of last entry in the book + 6 years	Retain in the school for 6 years from the date of the last entry.	Transfer to the Archives
Minutes of the Senior Management Team and other internal administrative bodies	Yes		Date of meeting + 5 years	Retain in the school for 5 years from meeting	Transfer to the Archives
Reports made by the head teacher or the management team	Yes		Date of report + 3 years	Retain in the school for 3 years from meeting	Transfer to the Archives
Records created by head teachers, deputy head teachers, heads of year and other members of staff with administrative responsibilities	Yes		Closure of file + 6 years	SHRED	
Correspondence created by head teachers, deputy head teachers, heads of year and other members of staff with administrative responsibilities	Yes		Date of correspondence + 3 years	SHRED	
Professional development plans	Yes		Closure + 6 years	SHRED	
School development plans	No		Closure + 6 years	Review	Offer to the Archives
Admissions – if the admission is successful	Yes		DOB of the pupil + 25 years	SHRED	
Admissions – if the appeal is unsuccessful	Yes		Resolution of case + 1 year	SHRED	
Admissions – Secondary Schools – Casual	Yes		Current year + 1 year	SHRED	

Pupils					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Admission Registers	Yes		Date of last entry in the book (or file) + 6 years	Retain in the school for 6 years from the date of the last entry.	Transfer to the Archives
Attendance registers	Yes		Date of register + 3 years	SHRED	
Pupil record cards	Yes				
Secondary		Limitation Act 1980	DOB of the pupil + 25 years	SHRED	
Pupil files	Yes				
Secondary		Limitation Act 1980	DOB of the pupil + 25 years	SHRED	
Special Educational Needs files, reviews and Individual Education Plans	Yes		DOB of the pupil + 25 years	SHRED	
Absence books			Current year + 6 years	SHRED	
Examination results	Yes				
Public examination results	No		Year of examinations + 6 years	SHRED	Unclaimed certificates returned to Exam Board
Internal examination results	Yes		Current year + 5 years	SHRED	

Pupils				
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
Any other records created in the course of contact with pupils	Yes/No		Current year + 3 years	Review at the end of 3 years and either allocate a further retention period or SHRED
Statement maintained under The Education Act 1996 - Section 324	Yes	SEN and Disability Act 2001 Section 1	DOB + 30 years	SHRED unless legal action is pending
Proposed statement or amended statement	Yes	SEN and Disability Act 2001 Section 1	DOB + 30 years	SHRED unless legal action is pending
Advice and information to parents regarding educational needs	Yes	SEN and Disability Act 2001 Section 1	Closure + 12 years	SHRED unless legal action is pending
Accessibility Strategy	Yes	SEN and Disability Act 2001 Section 1	Closure + 12 years	SHRED unless legal action is pending
Children's SEN Files	Yes		DOB of pupil + 25 years then review – it may be appropriate to add an additional retention period in certain cases	SHRED unless legal action is pending
Parental permission slips for school trips – where there has been no major incident	Yes		Conclusion of the trip	SHRED
Parental permission slips for school trips – where there has been a major incident	Yes	Limitation Act 1980	DOB of the pupil involved in the incident + 25 years The permission slips for all pupils on the trip need to be retained to show that the rules had been followed for all pupils	SHRED
Records created by schools to obtain approval to run an Educational Visit outside the Classroom - Secondary Schools	No	3 part supplement to the H&S of Pupils on Educational Visits (HASPEV) (1998).	Date of visit + 10 years	SHRED

Curriculum				
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
Curriculum development	No		Current year + 6 years	SHRED
Curriculum returns	No		Current year + 3 years	SHRED
School syllabus	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or SHRED
Schemes of work	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or SHRED
Timetable	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or SHRED
Class record books	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or SHRED
Mark Books	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or SHRED
Record of homework set	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or SHRED
Pupils' work	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or SHRED
Examination results	Yes		Current year + 6 years	SHRED
SATS records	Yes		Current year + 6 years	SHRED
PAN reports	Yes		Current year + 6 years	SHRED
Value added records	Yes		Current year + 6 years	SHRED

Staff records				
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
Timesheets, sick pay	Yes	Financial Regulations	Current year + 6 years	SHRED
Staff Personal files	Yes		Termination + 7 years	SHRED
Interview notes and recruitment records	Yes		Date of interview + 6 months	SHRED
Pre-employment vetting information (including DBS checks)	No	DBS guidelines	Date of check + 6 months	SHRED
Disciplinary proceedings:	Yes	Where the warning relates to child protection issues then retain until the person's normal retirement age, or 10 years from the date of the allegation, whichever is the longer If the disciplinary proceedings relate to a child protection matter please contact your safeguarding children officer for further advice.		
• oral warning			Date of warning + 6 months	SHRED
• written warning – level one			Date of warning + 6 months	SHRED
• written warning – level two			Date of warning + 12 months	SHRED
• final warning			Date of warning + 18 months	SHRED
• case not found			If child protection related then retain until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer. Otherwise shred immediately at the conclusion of the case	SHRED
Records relating to accident/injury at work	Yes		Date of incident + 12 years In the case of serious accidents a further retention period will need to be applied	SHRED
Annual appraisal/assessment records	No		Current year + 5 years	SHRED
Salary cards	Yes		Last date of employment + 85 years	SHRED
Maternity pay records	Yes	Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960), revised 1999 (SI 1999/567)	Current year, + 3yrs	SHRED
Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995	Yes		Current year + 6 years	SHRED
Proofs of identity collected as part of the process of checking "portable" enhanced DBS disclosure	Yes		Where possible these should be checked and a note kept of what was seen and what has been checked. If it is felt necessary to keep copy documentation then this should be placed on the member of staff's personal file.	

Health and Safety				
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
Accessibility Plans		Disability Discrimination Act	Current year + 6 years	SHRED
Accident Reporting		Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980		
Adults	Yes		Date of incident + 7 years	SHRED
Children	Yes		DOB of child + 25 years	SHRED
COSHH			Current year + 10 years [where appropriate an additional retention period may be allocated]	SHRED
Incident reports	Yes		Current year + 20 years	SHRED
Policy Statements			Date of expiry + 1 year	SHRED
Risk Assessments			Current year + 3 years	SHRED
Process of monitoring of areas where employees and persons are likely to have become in contact with asbestos			Last action + 40 years	SHRED
Process of monitoring of areas where employees and persons are likely to have come in contact with radiation			Last action + 50 years	SHRED
Fire Precautions log books			Current year + 6 years	SHRED

Administrative

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Employer's Liability certificate			Closure of the school + 40 years	SHRED	
Inventories of equipment and furniture			Current year + 6 years	SHRED	
General file series			Current year + 5 years	Review to see whether a further retention period is required	Transfer to Archives
School brochure or prospectus			Current year + 3 years		Transfer to Archives
Circulars (staff/parents/pupils)			Current year + 1 year	SHRED	
Newsletters, ephemera			Current year + 1 year	Review to see whether a further retention period is required	Transfer to Archives
Visitors' book			Current year + 2 years	Review to see whether a further retention period is required	Transfer to Archives
PTA/Old Pupils Associations			Current year + 6 years	Review to see whether a further retention period is required	Transfer to Archives

Finance

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Annual Accounts		Financial Regulations	Current year + 6 years	Offer to the Archives	Annual Accounts
Loans and grants		Financial Regulations	Date of last payment on loan + 12 years	Review to see whether a further retention period is required	Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation]
Contracts under seal			Contract completion date + 12 years	SHRED	
Contracts under signature			Contract completion date + 6 years	SHRED	
Contracts monitoring records			Current year + 2 years	SHRED	

Finance

Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Copy orders			Current year + 2 years	SHRED	
Budget reports, budget monitoring etc.			Current year + 3 years	SHRED	
Invoice, receipts and other records covered by the Financial Regulations		Financial Regulations	Current year + 6 years	SHRED	
Annual Budget and background papers			Current year + 6 years	SHRED	
Order books and requisitions			Current year + 6 years	SHRED	
Delivery Documentation			Current year + 6 years	SHRED	
Debtors' Records		Limitation Act 1980	Current year + 6 years	SHRED	
School Fund – Cheque books			Current year + 3 years	SHRED	
School Fund – Paying in books			Current year + 6 years then review	SHRED	
School Fund – Ledger			Current year + 6 years then review	SHRED	
School Fund – Invoices			Current year + 6 years then review	SHRED	
School Fund – Receipts			Current year + 6 years	SHRED	
School Fund – Bank statements			Current year + 6 years then review	SHRED	
School Fund – School Journey books			Current year + 6 years then review	SHRED	
Applications for free school meals, travel, uniforms etc			Whilst child at school	SHRED	
Student grant applications			Current year + 3 years	SHRED	
Free school meals registers	Yes	Financial Regulations	Current year + 6 years	SHRED	
Petty cash books		Financial Regulations	Current year + 6 years	SHRED	

Property					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Title Deeds			Permanent	Permanent these should follow the property unless the property has been registered at the Land Registry	Offer to Archives if the deeds are no longer needed
Plans			Permanent	Retain in school whilst operational	Offer to Archives
Maintenance and contractors		Financial Regulations	Current year + 6 years	SHRED	
Leases			Expiry of lease + 6 years	SHRED	
Lettings			Current year + 3 years	SHRED	
Burglary, theft and vandalism report forms			Current year + 6 years	SHRED	
Maintenance log books			Last entry + 10 years	SHRED	
Contractors' Reports			Current year + 6 years	SHRED	

Local Authority					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Secondary transfer sheets (Primary)	Yes		Current year + 2 years	SHRED	
Attendance returns	Yes		Current year + 1 year	SHRED	
Circulars from LA			Whilst required operationally	Review to see whether a further retention period is required	Transfer to Archive

Department for Education					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
HMI reports			These do not need to be kept any longer		Transfer to Archives
OFSTED reports and papers			Replace former report with any new inspection report	Review to see whether a further retention period is required	Transfer to Archives
Returns			Current year + 6 years	SHRED	
Circulars from Department for Education			Whilst operationally required	Review to see whether a further retention period is required	Transfer to Archives

Connexions / Prospects					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Service level agreements			Until superseded	SHRED	
Work Experience agreement			DOB of child + 18 years	SHRED	

School Meals					
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record	
Dinner Register			Current year + 3 years	SHRED	
School Meals Summary Sheets			Current year + 3 years	SHRED	

Other Records - Administration			
Basic file description	Data Protection Issues	Statutory Provisions	Retention Period
Financial Records			
Financial records – accounts, statements, invoices, petty cash etc	No		Current year + 6 years
Insurance			
Insurance policies – Employers Liability	No	Employers Liability Financial Regulations	The policies are kept for a minimum of 6 years and a maximum of 40 years depending on the type of policy
Claims made against insurance policies – damage to property	Yes		Case concluded + 3 years
Claims made against insurance policies – personal injury	Yes		Case concluded + 6 years
Human Resources			
Personal Files - records relating to an individual's employment history	Yes**		Termination + 6 years then review
Pre-employment vetting information (including DBS checks)	No	DBS guidelines	Date of check + 6 months
Staff training records – general	Yes		Current year + 2 years
Training (proof of completion such as certificates, awards, exam results)	Yes		Last action + 7 years
Premises files (relating to maintenance)	No		Cessation of use of building + 7 years then review
Risk Assessments	No		Current year + 3 years
Staff training records – general	Yes		Current year + 2 years
Training (proof of completion such as certificates, awards, exam results)	Yes		Last action + 7 years
Premises and Health and Safety			
Premises files (relating to maintenance)	New		Cessation of use of building + 7 years then review
Risk Assessments	New		Current year + 3 years

**For Data Protection purposes the following information should be kept on the file for the following periods:

All documentation on the personal file	Duration of employment
Pre-employment and vetting information	Start date + 6 months
Records relating to accident or injury at work	Minimum of 12 years
Annual appraisal/assessment records	Minimum of 5 years
Records relating to disciplinary matters (kept on personal files)	
• oral warning	6 months
• first level warning	6 months
• second level warning	12 months
• final warning	18 months