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## **Springfield Primary School**



**GDPR**

# **Information and Records Retention Policy**

**Version: Pre CMAT Board approval – May 2018 v3**

**Contents**

## Legal framework

This policy has been drafted in accordance with both the Data Protection Act 1998 (DPA) and the General Data Protection Regulation (GDPR) which will replace the DPA from 25 May 2018.

In addition, regard has been had to the Data Protection Bill (the Bill) which is currently before Parliament. The Bill supports the implementation of the GDPR into domestic law and it is possible that changes will be made to the Bill before it is passed into law. Changes made to the Bill and new guidance from the Information Commissioner's Office (ICO) may necessitate minor changes to this policy.

## Introduction

- 1 This policy sets out a structured approach to reviewing and destroying records in relation to Challenger Multi Academy Trust (the Trust). **All references to CMAT / Trust also apply to all the schools/academies within CMAT.**
- 2 The retention period for each type of record is shown in the table below. In addition, data protection legislation makes it unlawful to keep the information when it is no longer needed for the purpose for which it is held. This requirement is uncertain and allows discretion and may vary according to the circumstances, but in practice it means that the Trust should promptly destroy the record once the retention period in the table below has been reached. Occasionally there may be special circumstances which mean that a record should be kept for longer (for example where there is a risk of litigation or a request from an outside body such as the Independent Inquiry into Child Sexual Abuse (IICSA) see below). The Trust will refer to its insurance policies and will take further legal advice in these circumstances.
- 3 The retention periods stated in the table below are the minimum storage requirements, in practice the Trust carries out a data cleanse of its files every 6 months. Accordingly, a 3-year retention period means 3 years plus up to 6 months to allow the School to securely dispose of the information.
- 4 Information must be securely deleted. This applies to paper records, electronic information and biometric information.
- 5 This policy does not apply to records connected with commercial activities.
- 6 The Trust will discuss document retention with its insurers (who may specify longer retention periods). If there is any conflict, then any longer retention periods specified by the insurers will prevail and schools will be informed.
- 7 If an email falls into one of the categories set out in the table then it should be filed centrally as soon as is reasonable.
- 8 "Routine" emails which do not fall into any of the categories in the table may be kept in inboxes for up to six months and should then be deleted. An examples of a routine email is an internal email advising staff that a weekly meeting has been cancelled.

Special Note:

Independent Inquiry into Child Sexual Abuse (IICSA):

The IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. In light of this, we are advising schools to temporarily cease the routine destruction of those records which might be relevant to the Inquiry in case they are requested by the Inquiry or made subject to a disclosure order. This means that before destroying **any** document the Trust should consider if it contains information that may fall within the Inquiry's remit.

The range of documentation which might need to be kept is wide. It will include **any information linked to alleged or established child sexual abuse, whether by staff, volunteers or pupils with no limitation date**. For example, a list of pupils who attended an overnight school trip or admission registers which show which pupils were at the Trust at a given time. As such, documents should be kept for longer than the retention periods listed in the policy if they concern information which might be relevant to the Inquiry.

The Trust will keep this situation under review so that it recommences document destruction at the appropriate time.

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
1	<b>Pupils</b>			
1.1	Admission registers (however held)	Three years from the date of the last entry	Transfer to the archives and shred or delete copies and back-ups	Yes
1.2	Attendance registers (however held)	Three years from the date of the last entry	Review for further retention in the case of contentious dispute SHRED/DELETE including back-ups and copies	Yes
1.3	Child protection records	DOB of the pupil + 50 years	Review for further retention in the case of contentious dispute SHRED/DELETE  <b>Notes</b>  Child protection information must be copied and sent under separate cover to the new school whilst the child is still under 18. Schools should ensure secure transit and confirmation of receipt should be obtained  Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority ( <b>LA</b> )  In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. 50 years from the date of birth of the	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
			pupil involved should be a sufficient period of retention but this will be kept under review	
1.4	Biometric information (e.g. fingerprints to be used as part of an automated biometric recognition system)	For as long as the Trust requires the information for the automated biometric recognition system	This information must not be kept for longer than it is needed. The information must be destroyed if the pupil no longer uses the system including when they leave the Trust, where the parent or pupil withdraws consent or the pupil objects to its use.	No
1.5	Medical records held by the Trust	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident Whichever is the longer  The 24 year period is based on the fact that once the child turns 18 years old they have a certain amount of time (known as a limitation period) in which to bring claims against the Trust. The longest of these limitation periods is six years, albeit that some periods can be extended by the courts	Review for further retention in the case of contentious disputes  SHRED/DELETE	No
1.6	Counselling records held by the Trust	DOB of the pupil + 24 years; or	Review for further retention in the case of contentious disputes	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident Whichever is the longer	SHRED/DELETE	
2	<b>Pupil files</b>			
2.1	Pupil files (including public examination scripts, marks & results)	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident Whichever is the longer	Review for further retention in the case of contentious disputes, for example, parental complaints, disciplinary matters, pupil exclusions, bullying incidents and subject access requests  SHRED/DELETE  <b>Notes</b> Any examination certificates left unclaimed should be returned to the appropriate Examination Board	No
2.2	Internal examination scripts, marks and results	Scripts: Scripts from weekly or monthly tests: Keep until the end of the next term.  Whichever is the longer  Scripts from termly or yearly tests: Keep until the end of the next academic year.  Marks & results:	Keep for longer in accordance with the retention periods and guidance set out in row 2.1 above if risk of contentious disputes, for example, parental complaints, disciplinary matter, pupil exclusions, bullying incidents and subject access requests.	

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
		<p>If the purpose of the test is to progress the child (either internally or externally) then keep marks &amp; results in accordance with the retention periods and guidance set out in row 2.1 above.</p> <p>If the purpose of the test is for general internal assessment of academic performance then keep marks &amp; results for the same period as the scripts themselves.</p>		
2.3	Special Educational Needs files, reviews and Individual Education Plans	<p>DOB of the pupil + 24 years; or</p> <p>Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident</p> <p>Whichever is the longer</p>	<p>Review for further retention in the case of contentious disputes</p> <p>SHRED/DELETE</p>	No
2.4	Statement of Special Education Needs ( <b>SEN</b> ) and Education Healthcare ( <b>EHC</b> ) Plans	Statements of SEN (including appendices) and EHC Plans should never be retained once the pupil has left the Trust	<p>SHRED/DELETE unless legal action pending</p> <p>The Statement / Plan belongs to the LA which makes and maintains the Statement / Plan</p>	Yes
2.5	Letters authorising absence	Three years from the date of the last entry on the attendance register	SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
<b>3</b>	<b>Permissions</b>			
3.1	Parental permission slips for school trips – where there has been no major incident, accident, injury or near miss involving anyone on the trip	Conclusion of the trip + three years	Review for further retention in the case of contentious disputes otherwise SHRED/DELETE	No
3.2	Parental permission slips for school trips – where there has been a major incident, accident, injury or near miss involving anyone on the trip	DOB of the pupil involved in the incident + 24 years; or Six years from the date of the incident if the pupil was 18 years old at the date of the incident Whichever is the longer  The permission slips for all pupils on the trip may need to be retained to show that the rules had been followed for all pupils	Review for further retention in the case of relevance to contentious disputes.  SHRED/DELETE	No
<b>4</b>	<b>Admission department</b>			
4.1	Admission documents including [enrolment forms]	Six years from date of leaving the Trust	Review for further retention in the case of contentious disputes  SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
4.2	Admissions documents relating to applicants who did not join the Trust	We suggest that one year would be reasonable (subject to requirements for admission appeal documents - see below) If there is a risk that parents or a pupil might bring a claim against the Trust then the documents should be retained.  The documents can be kept for as long as the Trust considers that they are required, subject to the Trust's obligation not to keep the documents for longer than is necessary	SHRED/DELETE	No
4.3	Documents relating to admission appeal proceedings	At least two years	Review for further retention in the case of relevance to contentious disputes.  SHRED / DELETE	Yes
5	<b>Employment</b>			
5.1	Employment or personnel records including contracts of employment, changes to terms and condition, disciplinary matters, grievance procedures	For at least six years after date of termination of employment  For at least 12 years after date of termination if any of the documents were signed as a deed	If on a date no earlier than six years after the termination date there has been no recent contact from the relevant individual and no apparent breach of contract claim, dispose securely of documentation unless any child protection concerns. Records of anyone with child protection concerns (even if not proved) should be retained	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
5.2	Single central register (SCR)	SCR entries for staff who have left:  In case the Trust is notified of an historic abuse claim or should a former member of staff commit offences elsewhere the Trust may need to demonstrate that it carried out all required checks prior to work starting, when they were carried out and by whom. This information could also be requested in relation to the IICSA. As a consequence best advice is to retain the SCR entry for each former member of staff indefinitely either on an archive SCR or within the personnel file.	Review whether further retention is necessary. If so, these reasons must be documented. If not SHRED/DELETE	No
5.3	Records and documents relating to membership of and contributions to the Teachers' Pension Scheme	Indefinitely	Review whether further retention is necessary. Decisions in relation to the Teachers' Pension Scheme may have ramifications beyond six years, and may be queried at any time by members and the Teachers' Pension Scheme	No
5.4	Employment references received and references provided (where no safeguarding	While employment continues and at least up to six years after employment terminates	Keep for so long as a reference may be required in future - potentially up until the employee's normal retirement age  Consider whether any recent reference requests for the relevant individual	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	concerns have arisen or are known)		If none, SHRED/DELETE	
5.5	Employment reference where an individual's employment ended for a safeguarding reason or where safeguarding was outstanding at the time of termination	At least for 10 years after the person has retired or until the individual reaches the age of 75, whichever is the later	Consider whether any recent reference requests for the relevant individual or new concerns raised by social services or other agencies  If none, SHRED/DELETE	Yes
5.6	Working time opt-out forms	Two years from the date on which they were entered into	SHRED/DELETE	Yes
5.7	Records to show compliance with the Working Time Regulations	Two years after the relevant period	SHRED/DELETE	Yes
5.8	Payroll and wage records  These include records of:  •Details on overtime.  •Bonuses.  •Expenses.	Six years from the financial year end in which payments are made	SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	•Benefits in kind.			
5.9	PAYE Records	Three years in addition to the current year (however it may be sensible to keep them for six years as they may fall within the definition of payroll and wage records).	SHRED/DELETE	Yes
5.10	Maternity/paternity records These include: •Records regarding Maternity payments made save for where those include payroll records. •Maternity certificates showing the expected week of confinement	Three years after the end of the tax year in which the maternity pay period ends	SHRED/DELETE	Yes
5.11	Sickness records required for the purposes of Statutory Sick Pay ( <b>SSP</b> )	During employment and for a period of three years after employment has ended	SHRED/DELETE	Yes
5.12	Records in relation to hours worked and	For a period of three years beginning with the last day of the	SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	payments made to workers	following month to which the records relate		
5.13	Consents for the processing of personal data and sensitive personal data (known as special category personal data under the GDPR)	<p>For as long as the data is being processed and up to six years afterwards</p> <p>For consent to be valid it must be "freely given".</p> <p>In the vast majority of cases it is not necessary to obtain the employee's consent before using their personal data.</p>	SHRED/DELETE	Yes
5.14	Disclosure and Barring Service ( <b>DBS</b> ) checks and disclosures of criminal record forms	<p>Dispose of securely after the recruitment process unless assessed as relevant to the ongoing employment relationship.</p> <p>Once the conviction is spent, records should still be retained as positions in schools are an excluded profession.</p>	<p>Enter DBS certificate number, date, initials on Single Central Register</p> <p>SHRED/DELETE</p>	Yes
5.15	Immigration checks	Throughout employment and then retained for two years after the termination of employment	SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
5.16	Recruitment records of unsuccessful candidates	Six months after notifying unsuccessful candidates	SHRED/DELETE	No
5.17	Personnel and training records	Whilst employment continues and up to six years after employment ceases	SHRED/DELETE	No
5.18	Annual leave records	Six years or possibly longer if leave can be carried over from year to year	SHRED/DELETE	No
5.19	Collective / workforce agreements	Permanently or six years after the agreement comes to an end	SHRED/DELETE	No
5.20	Works Council minutes	Permanently	N/A	No
5.21	An Employee's bank details	Until last payment made	SHRED/DELETE	No
5.22	Records of advances for season tickets and loans to employees	Whilst employment continues and up to six years after repayment	SHRED/DELETE	No
5.23	Death Benefit Nomination and Revocation Forms	Whilst employment continues and up to six years after payment of benefit	SHRED/DELETE	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
6	<b>Health and safety information - employees</b>			
6.1	Reportable injuries, diseases and dangerous occurrences <b>(RIDDOR)</b> reports or own record	Three years from the date of record If disease - indefinitely	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes <sup>1</sup>
6.2	First aid / accident book entry	Three years from the date of injury or last record in the book If disease - indefinitely	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes <sup>2</sup>
6.3	Records of maintenance, examination and test control measures relating to substances hazardous to health under the Control of Substances Hazardous to Health <b>(COSHH)</b> regime	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes <sup>3</sup>

<sup>1</sup> Regulation 12(2) Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

<sup>2</sup> Regulation 25(3)(b) Social Security (Claims and Payments) Regulations 1979

<sup>3</sup> Regulation 9(4) Control of Substances Hazardous to Health Regulations 2002

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
6.4	Health records for licensable asbestos work	At least 40 years from the date of the last entry	Review for further retention in the case of enforcement action and contentious disputes SHRED/DELETE	Yes
6.5	Medical surveillance certificate for licensable asbestos work	At least four years from the date it was issued	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.6	Records of air monitoring for asbestos	Where a health record is required at least 40 years from the date of the last entry  In other cases at least five years from the date of the last entry		Yes
6.7	Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos Regulations 2012 (CAR)	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
6.8	Examination / report of defect for power presses	Two years	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
6.9	Records of water monitoring, inspection, testing, checks and control measures for legionellosis	Five years from the date of the last entry	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
7	<b>Health and safety information - pupils</b>			
7.1	Accident reports including first aid / accident book	DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No
7.2	Reportable injuries, diseases and dangerous occurrences ( <b>RIDDOR</b> ) reports or own record	Minimum statutory retention period is at least 3 years but, we recommend that the record is kept for DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
7.3	Incident investigations and reports, risk assessments and other relevant documents where there has been an accident or incident	DOB of the pupil involved in the incident + 21 years; or  Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or civil claims for personal injury  SHRED/DELETE	No
<b>8</b>	<b>Generic health and safety records</b>			
8.1	Risk assessments, records of health and safety arrangements, copies of policies and procedures  General records of health and safety auditing and monitoring including fire risk assessments, electrical testing, PAT testing and gas appliance testing  Training records and copies of instructions or information  Maintenance logs and / or records of	These should be kept for at least three years (in the absence of a specific accident, incident, dangerous occurrence or notifiable disease)	Review for further retention in the case of enforcement action or contentious disputes  SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	plant and / or equipment plus safety manuals / notices / instructions  Records of emergency evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements			
8.2	Copies of documents, including health and safety files, prepared pursuant to the Construction (Design and Management) Regulations 2015	Records retained as long as is reasonably necessary to inform on future construction projects at the Trust site	SHRED/DELETE	N/A
<b>9</b>	<b>Insurance</b>			
9.1	Insurance certificates and schedules of cover	Indefinitely	N/A	No
9.2	Correspondence with insurers related to	Three years generally	Review for further retention in the case of civil claims for disease or personal injury  SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	specific accidents or incidents	<p>If the incident involved a pupil - DOB of the pupil involved in the incident + 21 years; or</p> <p>Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident</p> <p>Disease claims or where there have been allegations of abuse - indefinitely</p>		
<b>10</b>	<b>Investigations, reviews and inquiries</b>			
10.1	Documents relevant to IICSA	Indefinitely	Review once the Inquiry has been completed.	No - unless the school has received a formal notice from IICSA <sup>4</sup>
10.2	<p>Internal reports and investigations into accidents / incidents</p> <p>Copies of reports submitted to external agencies / regulators such as Ofsted, Health and Safety</p>	<p>Where the investigation / inquiry / report has been necessitated as a result of a specific incident, documents should be stored centrally for at least three years</p> <p>Where there is a risk of enforcement action and / or criminal prosecution and / or a civil</p>	SHRED/DELETE	No

<sup>4</sup> Section 21 Inquiries Act 2005

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	<p>Executive, Local Authority, Education and Skills Funding Agency etc</p> <p>External reports, reviews, investigations and inquiries for example inquests and public inquiries</p>	claim. Where this relates to pupil DOB +21 years);		
<b>11</b>	<b>Alumni records</b>			
11.1	We recommend that alumni should be treated as employees for the purposes of health and safety records. Although this is not strictly necessary, (some of the health and safety requirements relating to employees do not apply to alumni), treating them the same can be considered good practice and may be	As set out in section 6 above	As set out in section 6 above	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	more straightforward to implement in practice			
11.2	General alumni correspondence, membership forms etc	Six years after the last time the individual contacted the Trust  This is subject to any longer retention period set out above. For example, records relating to a reportable disease should be kept indefinitely .	SHRED/DELETE	No
12	<b>Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes</b>			
12.1	Records which do not contain personal data, for example, old photographs of Trust buildings, title deeds etc	Can be kept indefinitely	N/A	No
12.2	Records relating to a number of pupils, or the Trust generally, such as old class photographs, lists of pupils attending the Trust in any given year, Trust prospectuses,	Can be kept indefinitely	N/A	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	newspaper cuttings etc			
12.3	Records concerning specific pupils kept for a valid reason. For example, a poem written by an exceptionally gifted pupil.	Can be kept indefinitely subject to the comments below.  Please note that this does not apply to more routine pupils records. Routine work produced by pupils should not be kept for longer than the retention period set out in section 2.1 above.	N/A	No
<b>13</b>	<b>CCTV, videos and photographs</b>			
13.1	CCTV footage	90 days	DELETE  Review for further retention if the recording may be required for any reason such as in relation to an incident or accident involving any person.  CCTV footage may also be needed in relation to parental complaints, disciplinary matters, pupil exclusions, bullying incidents or health and safety matters.  If a subject access request has been made for the footage it must be retained.	No
13.2	Photographs of pupils for internal administration purposes e.g. to	These photographs should be retained for as long as they are required for the purpose for which they were taken.	SHRED/DELETE  Review for further retention in the case of relevance to contentious disputes.	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	identify the pupil or photographs used on security passes			
13.3	Photographs or videos of pupils taken for marketing reasons e.g. photographs for use in the Trust prospectus or a video of pupils on the Trust's website	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No
13.4	Photographs or videos of pupils used as part of the curriculum e.g. a video of a drama lesson/ performance or as part of an art project	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No