



## **POLICY 46**

# **DATA RETENTION POLICY**

Policy reviewed by	Bursar
Governors' Committee	Full Board
Oversight / Approval	Approval
Date reviewed	Michaelmas 2022 (Revised Michaelmas 2023)
Approval by Governors	12 December 2022
Next review date	Michaelmas 2024

# TRURO HIGH SCHOOL

## DATA RETENTION

### 1. DATA RETENTION

**1.1** Truro High School generally seeks to balance the benefits of keeping detailed and complete records – for the purposes of good practice, archives or general reference - with practical considerations of what is reasonable and of storage, space and accessibility. We are mindful of the legal considerations in respect of retention of records and documents which include:

- Statutory duties and government guidance relating to schools;
- KCSIE September 2023;
- The law of confidentiality and privacy;
- Disclosure requirements in the course of litigation;
- Contractual obligations;
- The Data Protection Act and General Data Protection Regulations.

These will inform not only minimum and maximum retention periods, but also what to keep and how to keep it.

#### **1.2** *Meaning of record*

For the purposes of this policy a record means any document or item of data which contains evidence or information relating to the School, its staff, pupils and parents including current, past and prospective. Some of this material will contain personal data of individuals as defined in the DPA, but not all.

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.

#### ***Digital records***

Digital records can be lost or misappropriated in huge quantities very quickly. Access to sensitive data, or any large quantity of data, will be as a minimum password-protected and held on a limited number of devices only, with passwords provided on a need-to-know basis and regularly changed. Where “cloud storage” is used for storing sensitive or large quantities of data it will be encrypted.

Emails (whether they are retained electronically or printed out as part of a paper file) are also records and may be particularly important: whether as disclosable documents in any litigation or as representing personal data of the sender (or subject) for data protection/data privacy purposes. However, the format is secondary to the content and the purpose of keeping the document as a record.

#### ***Paper records***

Paper records will wherever possible be stored in dry secure conditions. Staff procedures are in place to archive paper records to a central facility within school at certain times of the year.

#### **1.3** *Archiving and the destruction or erasure of records*

All staff receive basic training in data management and on issues such as security, recognising and handling sensitive personal data, safeguarding, etc. Staff given specific responsibility for the management of records must have specific training and ensure, as a minimum, the following:

- That records – whether electronic or hard copy – are stored securely as above, so that access is available only to authorised persons and the records themselves are available when required and (where necessary) searchable;
- That important records, and large or sensitive personal databases, are not taken home or - in respect of digital data - carried or kept on portable devices (whether CDs or data sticks, or mobiles and handheld electronic tablets);

- That questions of back-up or migration are likewise approached in line with general school policy (such as professional storage solutions or IT systems) and not individual ad hoc action;
- That arrangements with external storage providers – whether physical or electronic (in any form, but most particularly cloud-based storage) - are supported by robust contractual arrangements providing for security and access;
- That reviews are conducted on a regular basis, in line with the guidance below, to ensure that all information being kept is still relevant and - in the case of personal data – necessary for the purposes for which it is held (and if so, that it is accurate and up-to-date);
- That all destruction or permanent erasure of records, if undertaken by a third party, is carried out securely - with no risk of the re-use or disclosure, or re-construction, of any records or information contained in them.
- That all personal identifiable or sensitive data should be destroyed by means of shredding, either on-site or through an approved third party contractor.

#### 1.4 *Retention periods*

Type of Record/Document	Retention Period
<b><u>SCHOOL-SPECIFIC RECORDS</u></b>	
• Registration documents of School	Permanent (or until closure of the school)
• Attendance Register	6 years from last date of entry, then archive
• Minutes of Governors' meetings	6 years from date of meeting
• Annual curriculum	From end of year: 3 years (or 1 year for other class records: e.g. marks / timetables / assignments)
• On-line recorded lessons	The end of the academic year, unless content is required for revision purposes for public examination year groups
<b><u>INDIVIDUAL PUPIL RECORDS</u></b>	
• Admissions: application forms, assessments, records of decisions	25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision).
• Examination results (external or internal)	7 years from pupil leaving school
Pupil file including: <ul style="list-style-type: none"> <li>○ Pupil reports</li> <li>○ Pupil performance records</li> <li>○ Pupil medical records</li> </ul>	ALL: 25 years from date of birth* * <i>Unless there is good reason to consider this may be applicable evidence in a medical negligence or abuse claim: see 'Safeguarding' below.</i>
• Special educational needs records ( <i>to be risk assessed individually</i> )	Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period)
<b><u>SAFEGUARDING</u></b>	
• Policies and procedures	A permanent record of historic policies is kept
• Accident / Incident reporting	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
• DBS Disclosure Certificates	Record of check must be kept with personnel file and on SCR. Certificate must not be kept
• Child Protection Files	If a referral has been made / social care have been involved or child has been subject to a multi-agency plan – indefinitely.  If low level concerns, with no multi-agency involvement – 25 years from date of birth
<b><u>CORPORATE RECORDS (where applicable)</u></b>	
• Certificates of Incorporation	Permanent (or until dissolution of the company)
• Minutes, Notes and Resolutions of Boards or Management Meetings	Minimum - 10 years
• Shareholder resolutions	Minimum - 10 years

<ul style="list-style-type: none"> <li>Register of Members/Shareholders</li> </ul>	Permanent (minimum 10 years for ex-members/shareholders)
<ul style="list-style-type: none"> <li>Annual reports</li> </ul>	Minimum - 6 years
<b><u>ACCOUNTING RECORDS</u></b>	
<ul style="list-style-type: none"> <li>Accounting records</li> </ul>	Minimum of 6 years from the end of the financial year in which the transaction took place
<ul style="list-style-type: none"> <li>Tax returns</li> </ul>	Minimum of 6 years
<ul style="list-style-type: none"> <li>VAT returns</li> </ul>	Minimum of 6 years
<ul style="list-style-type: none"> <li>Budget and internal financial reports</li> </ul>	Minimum of 3 years
<b><u>CONTRACTS AND AGREEMENTS</u></b>	
<ul style="list-style-type: none"> <li>Signed or final/concluded agreements (<i>plus any signed or final/ concluded variations or amendments</i>)</li> </ul>	Minimum of 7 years from completion of contractual obligations or term of agreement, whichever is the later
<ul style="list-style-type: none"> <li>Deeds (or contracts under seal)</li> </ul>	Minimum of 13 years from completion of contractual obligation or term of agreement
<b><u>INTELLECTUAL PROPERTY RECORDS</u></b>	
<ul style="list-style-type: none"> <li>Formal documents of title (trade mark or registered design certificates; patent or utility model certificates)</li> </ul>	Permanent (in the case of any right which can be permanently extended, e.g. trade marks); otherwise expiry of right plus minimum of 7 years
<ul style="list-style-type: none"> <li>Assignments of intellectual property to or from the school</li> </ul>	As above in relation to contracts (7 years) or, where applicable, deeds (13 years)
<ul style="list-style-type: none"> <li>IP / IT agreements (including software licences and ancillary agreements eg maintenance; storage; development; co-existence agreements; consents)</li> </ul>	Minimum of 7 years from completion of contractual obligation concerned or term of agreement
<b><u>EMPLOYEE / PERSONNEL RECORDS</u></b>	
<ul style="list-style-type: none"> <li>Contracts of employment</li> </ul>	Minimum of 7 years from effective date of end of contract
<ul style="list-style-type: none"> <li>Employee appraisals or reviews and staff personnel file</li> </ul>	Duration of employment plus minimum of 7 years
<ul style="list-style-type: none"> <li>Single Central register</li> </ul>	Permanent record of all mandatory checks
<ul style="list-style-type: none"> <li>Staff Personnel File, including documents used to verify identity, right to work and qualifications</li> </ul>	Duration of employment plus minimum of 7 years, but do not delete any information which may be relevant to historic safeguarding claims
<ul style="list-style-type: none"> <li>Personnel records relevant to safeguarding including historic allegations of sexual abuse</li> </ul>	Records to be retained for the duration of the IICSA enquiry All other records to be retained until the accused is of normal pension age OR for a period of 10 years from the date of the allegation if that is longer
<ul style="list-style-type: none"> <li>Payroll, salary, maternity pay records</li> </ul>	Minimum of 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>	6 months
<ul style="list-style-type: none"> <li>Immigration records</li> </ul>	Minimum of 4 years
<ul style="list-style-type: none"> <li>Health records relating to employees</li> </ul>	Minimum of 7 years from end of contract of employment
<b><u>INSURANCE RECORDS</u></b>	
<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 of 7 years
<b><u>ENVIRONMENTAL &amp; HEALTH RECORDS</u></b>	
<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</li> </ul>	25 years from birth (unless safeguarding incident)
<ul style="list-style-type: none"> <li>Accident at work records (staff)</li> </ul>	Minimum of 4 years from date of accident, but reviewed case-by-case where possible
<ul style="list-style-type: none"> <li>Staff use of hazardous substances</li> <li>Risk assessments (carried out in respect of above)</li> </ul>	Minimum of 7 years from end of date of use

	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 data is up to date and relevant (as long as no personal data is held)

N.B. The IICSA needs to be taken into consideration when considering data retention and disposal.

## 1.5 ***Review***

This policy will be reviewed regularly to ensure that it meets the School's needs.

The policy will also be reviewed, if:

- New legislation is published or existing legislation is updated;
- New guidance is published or existing guidance is updated;
- Research or an incident suggests that a review may be required.