



## ▪ **Data Retention Policy for The Skylark Partnership**

*Please note this policy is seen as 'best practice' by our DPO as opposed to definition legal guidance. It is our responsibility as a trust to determine the appropriate retention periods of records and we will seek additional legal advice if there is any doubt.*

### **Legal Obligations**

Article 5 of the UK General Data Protection Regulation defines the principles relating to the processing of personal data. Article 5, 1(e) states.....

*'Personal data shall be 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 be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) of the applied UK GDPR subject to implementation of the appropriate technical and organisational measures required by the applied UK GDPR in order to safeguard the rights and freedoms of the data subject ('storage limitation')*

Data Protection Act 2018, Chapter 2, Section 90 sets out the fifth data protection principle (*requirement that personal data be kept for no longer than is necessary*).

To this end, the Trust and the Board of Trustees has adopted the Policy as specified below.

### **Purpose**

The purpose of this policy is to provide a statement of intent on how the Trust intends to manage its data in terms of retention.

The policy is underpinned by the UK GDPR Article 5 1(e) and Data Protection Act 2018 'storage limitation' and 'data minimisation' Principle, in respect of hard copy and electronic information.

### **Scope**

The Trust is aware that at present there isn't a sector wide data retention policy guidance document. However, there are examples of best practice which the Trust follows including the Information and Records Management Society (Information Management Toolkit for Trusts).

It is the intention of the Trust to ensure that all records and the information contained therein are:

**Accurate** - records are always reviewed to ensure that they are a full and accurate representation of the transactions, activities or practices that they document.

**Accessible** - records are always made available and accessible when required (*with additional security permissions for selected staff where the document content requires it*).

**Complete** - records have integrity in terms of content, context and structure.

**Compliant** - records always comply with any legal and regulatory record keeping requirements

**Monitored** – staff, and system compliance with this Data Retention Policy is regularly monitored to ensure that the objectives and principles are being complied with and that all legal and regulatory requirements are being adhered to.

### **Data Retention**

The Trust recognises that data retention is based on justification, i.e. if the Trust can justify it, the Trust can keep it!

The Trust also recognises the following:

- (1) Why it is holding the data in the first instance (please refer to the Trust's Privacy Notice)
- (2) The legal duty to retain the information for a set period of time
- (3) The need to transfer data from one Trust to another organisation and in doing so whether there is still a requirement to keep the information
- (4) It's actual responsibility, i.e. is appropriate long term retention is someone else's job such as the receiving institution or local authority?
- (5) Expectations of Ofsted and what they expect in terms of the length of time Trusts can perform detailed reporting
- (6) In some instances, the use of aggregated data (counts of pupils) or de-personalised data (individual rows but with names and other identifiers removed)

### **Data Retention Housekeeping**

For all data and records obtained, used and stored within the Trust, we: -

- (1) Carry out periodical reviews of the data retained, checking purpose, continued validity, accuracy and requirement to retain
- (2) Establish and verify retention periods for the data
- (3) Have processes in place to ensure that records pending audit, litigation or investigation are not destroyed or altered
- (4) Transfer paper based records and data to an alternative media format in instances of long retention periods (*with the lifespan of the media and the ability to migrate data where necessary always being considered*)

### **Information Asset Register**

All data assets have designated owners to ensure accountability and a systematic approach to data retention and destruction. The Information Asset Owners are identified in the Trusts Information Asset Register (IAR).

The Information Asset Register identifies the data asset, data asset owner, lawful basis for processing personal data, access and security, format, retention periods, risks/impacts, data protection impact assessments undertaken and whether a privacy notice is in place. It also records any data breaches against the information asset.

### **Data Retention Schedule**

Data Protection Law does not impose specific limits or prescriptions on periods of retention for any data. Nevertheless, the Trust recognises the importance of putting in place a Data Retention Policy to demonstrate compliance with the 'storage limitation' principle. It also recognises that the retention of data varies greatly with the different area of administration of Trust life.

The Data Retention Schedule ([Appendix 1](#)) which forms part of this policy has been arranged broadly into three periods of data retention:

### **SHORT TERM RETENTION PERIOD:**

- One month after the event about which the Trust has created data is active, in order to ensure any 'loose ends' are tied up, e.g. data retention around CCTV images being retained for 30 days unless requested as part of an incident and then stored and archived for 12 months.

### **MEDIUM TERM RETENTION PERIOD:**

- One year after the pupil to whom the data relates has left the Trust, in order to ensure smooth 'handover' activity related to the child if passed on to a subsequent Trust/school/academy/post 16 provider.
- For 6 years after a pupil has left Trust, to support longer term but detailed analysis of progress, attainment, support for different pupil groups etc.

### **LONG TERM RETENTION PERIOD:**

- Long term, until the child is 25 years of age or older, for instances where detailed information about activities in Trust may form an important part of safeguarding for that individual or where records of special educational needs are held and to maintain a record of SATS and exam results.

Appendix 2.0 specifically highlights the Data Retention Schedule which may be applied to data held within a Management Information System (MIS).

Whilst the Data Retention Schedule draws on recommended "best practice" retention periods from the IRMS Trusts Toolkit and the Department for Education Data Protection Toolkit for Trusts, this Data Retention Policy takes into account that there is not a definitive standard across the sector. It also uses other best practice retention guidelines from within the sector.

Where there is any ambiguity or doubt over the retention period of records then The Trust has sought legal advice.

### **Data Destruction**

All information of a confidential or sensitive nature will be destroyed in a secure way. This ensures that The Trust is compliant with Data Protection Law and recognises the duty of confidentiality.

The Trust is committed to the secure and safe disposal of any confidential waste and information assets in accordance with the Trust's contractual and legal obligations and that the Trust does so in an ethical and compliant manner.

The Trust confirms that our approach and procedures comply with the laws and provisions made in the UK General Data Protection Regulation (UK GDPR) and that staff are trained and advised accordingly on the procedures and controls in place.

The Trust will maintain a record of disposal of information assets.

Appendix 3.0 of this policy provides a record of disposal used by the Trust.

### **Outcomes**

By implementing the Data Retention Policy, the Trust and the Board of Trustees will:

1. Support the efficient and effective use of the Trust's infrastructure through appropriate data storage

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Data Retention Policy v4.2

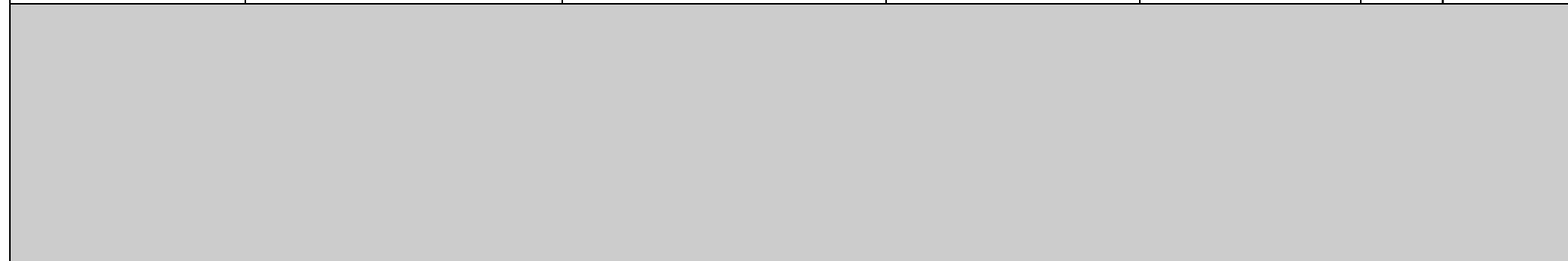
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2. Minimise the risk to personal data through data minimisation
3. Avoid inaccurate or duplicate data
4. Meet legislative and regulatory requirements for the deletion of data
5. Meet the requirements of Data Protection Law

**APPENDIX 1.0: Data Retention Schedule**

<b>Document</b>	<b>Content</b>	<b>Retention Period</b>	<b>Disposal</b>	<b>Information Asset Owner</b>	<b>Good Practice</b>
<b>SHORT TERM RETENTION PERIOD</b>					
CCTV ( <i>not currently in use</i> )	<ul style="list-style-type: none"> <li>▪ Images of pupils, workforce, visitors</li> </ul>	Images will be retained for 30 days unless requested as part of an incident and then stored and archived for 12 months	Deleted electronically by Data Controller	CFO	Considered good practice within the industry
Evidence of Right to Work (Home Office)	<ul style="list-style-type: none"> <li>▪ Evidence of Right to Work for successful candidates</li> </ul>	Home Office requires documents are kept for termination of employment + not less than 2 years	Secure disposal by the Data Controller	CFO	DfE Data Protection Toolkit for Trusts
Staff Pre-employment vetting information	<ul style="list-style-type: none"> <li>▪ DBS Checks</li> </ul>	The Trust does not have to keep copies of DBS certificates. If the Trust does copies must NOT be retained for more than 6 months	Secure disposal by the Data Controller	CFO	DfE Data Protection Toolkit for Trusts
Staff Recruitment and Selection	<ul style="list-style-type: none"> <li>▪ Candidate assessment/shortlisting notes</li> <li>▪ Interview notes</li> <li>▪ Unsuccessful applications</li> </ul>	All relevant information should be added to the staff personal file. All other information retained for 6 months	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Unsuccessful candidates	<ul style="list-style-type: none"> <li>▪ Application forms</li> <li>▪ Interview notes</li> </ul>	6 months to 1 year	Secure disposal by the Data Controller	CFO	Chartered Institute of Personnel and Development



Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
<b>MEDIUM TERM RETENTION PERIOD</b>					
Accident Reporting	<ul style="list-style-type: none"> <li>Contains information relating to individuals</li> </ul>	Adults and Children - Accident Book + 3 years after last entry ( <i>i.e. if it takes 5 years to complete book must be retained for a further 3 years</i> )	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Board of Trustees	<ul style="list-style-type: none"> <li>Agenda, meeting notes, minutes</li> </ul>	The Trust will make these available for 10 years from the date of the meeting	Trust decision to keep for 10 years	CEO	IRMS Toolkit for Schools
Board of Trustees Action Plans and Policy Documents	<ul style="list-style-type: none"> <li>Action Plans &amp; policy documents created and administered by Trust Board</li> </ul>	Until superseded	Secure disposal	CEO	IRMS Toolkit for Schools
Board of Trustees Records relating to complaints	<ul style="list-style-type: none"> <li>Meeting notes</li> <li>Reports</li> </ul>	Date of resolution + 6 years then review	Secure disposal by the Data Controller	CEO	IRMS Toolkit for Schools
<b>MEDIUM TERM RETENTION PERIOD</b>					
Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
<b>MEDIUM TERM RETENTION PERIOD</b>					
Minutes of Senior Leadership Team & meetings of other internal	<ul style="list-style-type: none"> <li>Minutes of SLT</li> <li>Minutes from internal meetings</li> </ul>	Date of meeting + 3 years then review annually, or as required if not destroyed	Secure disposal by the Data Controller	CEO	IRMS Toolkit for Schools
Ofsted Reports and papers	Comments from the inspection	Life of report and then review	Secure disposal by the Data Controller	CEO	IRMS Toolkit for Schools
Photo Consent Forms (staff)	<ul style="list-style-type: none"> <li>Signature of staff member</li> </ul>	For the duration of the staff's time at Trust	Secure disposal by the Data Controller	CEO	Data Controller to consider the lawful basis for retaining beyond this period
Property Files	<ul style="list-style-type: none"> <li>Maintenance logs</li> </ul>	These should be retained by the Trust whilst the building	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools

	<ul style="list-style-type: none"> <li>Work carried out by contractors</li> </ul>	belongs to the Trust and should be passed on to any new owners if the building is leased or sold			
Returns made to central government	Various returns made to ESFA	Current year + 6 years	Deleted electronically by the Data Controller	CFO	IRMS Toolkit for Schools
<b>Document</b>	<b>Content</b>	<b>Retention Period</b>	<b>Disposal</b>	<b>Information Asset Owner</b>	<b>Good Practice</b>
<b>MEDIUM TERM RETENTION PERIOD</b>					
Trust Census Returns		Current year + 5 years	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Staff Absence and Attendance	<ul style="list-style-type: none"> <li>Annual leave record</li> <li>Absence record</li> <li>Sickness record</li> </ul>	Current year + 6 years	Secure disposal by the Data Controller	CFO	Forms part of the personnel records
Staff Development Plans	<ul style="list-style-type: none"> <li>Courses and training</li> </ul>	Life of the Plan + 6 years	Secure disposal by the Data Controller	CEO	IRMS Toolkit for Schools
Staff Discipline and Grievance	<ul style="list-style-type: none"> <li>Letters, reports and meeting notes relating to cases</li> </ul>	<p>Oral warning – Date of warning + 6 months</p> <p>Written warning (Level 1) – Date of warning + 6 months</p> <p>Written warning (Level 2) – Date of warning + 12 months</p> <p>Final warning – Date of warning + 18 months</p>	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Staff Performance Assessment (annual appraisal/assessment records)	<ul style="list-style-type: none"> <li>Personal Development Record</li> <li>Promotion/regrading</li> </ul>	Current + 6 years	Secure disposal by the Data Controller	CEO	IRMS Toolkit for Schools
Staff Personnel Files	<ul style="list-style-type: none"> <li>Personal and sensitive data</li> </ul>	Termination of employment + 6 years	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools

Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
<b>MEDIUM TERM RETENTION PERIOD</b>					
Staff pre-employment vetting	<ul style="list-style-type: none"> <li>Home Office checks</li> </ul>	Home Office records kept for termination of Employment + not less than 2 years	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Staff Timesheets	<ul style="list-style-type: none"> <li>Record of staff onsite</li> </ul>	Current + 3 years	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Visitor Books and signing in sheets	<ul style="list-style-type: none"> <li>Name of individual</li> <li>Company</li> <li>Time of entry and departure</li> <li>Vehicle Registration</li> </ul>	Last entry in the visitor book + 6 years then review	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
<b>LONG TERM RETENTION PERIOD</b>					
Myconcern - Clarity	<ul style="list-style-type: none"> <li>Personal and sensitive data</li> </ul>	Overall reports to be retained from DOB of the child + 25 years if child protection plans have been in place	Secure disposal by Myconcern in line with appropriate retention period	SENCo/Designated Safeguarding Lead	IRMS Toolkit for Schools ( <i>in consultation with Safeguarding Children Group</i> )
Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice



Single Central Record (Sentry)	<ul style="list-style-type: none"> <li>▪ Personal and sensitive data</li> <li>▪ DBS Checks</li> <li>▪ Medical Checks</li> <li>▪ Contact details</li> </ul>	Entry in excel spreadsheet on Sentry kept to reflect current workforce. If someone leaves they move to the leavers tab. The record should be deleted date of leaving + 6 years	Not applicable	CFO	Statutory guidance issued by UK Border Agency
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## APPENDIX 2.0: Data Retention Schedule interpreted and summarised for Management Information Systems

*The Trust will not hold any pupil level data. This will be held at the individual academies (please see individual academies data Retention Policy)*

### Staff Records

Retain for 6 years after their leave date.

Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
Staff Personnel Files	<ul style="list-style-type: none"> <li>▪ Personal and sensitive data</li> </ul>	Termination of employment + 6 years	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools
Staff Absence and Attendance	<ul style="list-style-type: none"> <li>▪ Annual leave records</li> <li>▪ Maternity/paternity/special leave/academic leave</li> </ul>	Termination of employment + 6 years	Secure disposal by the Data Controller	CFO	IRMS Toolkit for Schools

## APPENDIX 3.0: Record of Information Asset Disposal

Document	Data Retention Period	Destruction Method	Date of Destruction	Information Asset Owner
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<b>[i.e. Visitor Books and Signing in sheets]</b>	<b>[i.e. Current + 6 years then review]</b>	<b>[i.e. Secure waste disposal contract with certificate of disposal obtained]</b>	<b>[i.e. DD/MM/YYYY]</b>	<b>[i.e. Trust Business Manager]</b>