



# Wakefield Grammar School Foundation

## DATA RETENTION, STORAGE AND DISPOSAL POLICY

### 1. INTRODUCTION

Wakefield Grammar School Foundation (WGSF), referred to as 'the Foundation', is a family of single-sex independent day schools incorporating Queen Elizabeth Grammar School (QEGS), Wakefield Girls' High School (WGHS) and Mulberry House Nursery delivering education to children aged 3 - 18.

Data protection is an important legal compliance issue for the Foundation. This policy details the expected behaviours of The Foundation's employees and third parties in relation to the storage, retention and disposal of any personal data record belonging pupils, parents, employees and other data subjects. It should be read in conjunction with other Foundation Policies including:

- Privacy Notices (various)
- Data Protection Policy
- CCTV Policy
- ICT Acceptable Use Policy

### 2. MEANING OF "RECORD"

In this policy, "record" means any document or item of data which contains evidence or information relating to pupils, parents, employees and other data subjects. Many, if not most, new and recent records will be created, received and stored electronically. Others including 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 can be lost or misappropriated very quickly. Access to sensitive data or any large quantity of digital data should, as a minimum, be password protected and held on a limited number of devices only, with passwords provided on a need-to-know basis. If sensitive personal data is transferred outside the organisation, e.g. via email, it must be encrypted prior to transfer. As emails are records and maybe disclosable, staff should consider the content and purpose for keeping emails as records.

Paper records should be stored in appropriate, secure conditions, both in terms of accessibility and the climate in which they are stored (dry, cool, reasonable ventilation, no direct sunlight: avoid storing with metals, rubber or plastic which might deteriorate or damage the paper).

### **3. RECORDS MANAGEMENT**

All electronic records must be stored securely as above, including if possible with encryption. Similarly, paper records must be stored securely so that access is available only to authorised persons and the records themselves are available when required and where necessary searchable.

Important records and large or sensitive personal databases must not be taken home or, in respect of digital data, carried or kept on unencrypted portable devices unless absolutely necessary. If deemed necessary, a risk assessment will be required in line with the Foundation's ICT Acceptable Use policy.

Arrangements with external storage providers, whether physical or electronic (most particularly "cloud-based" storage) must be supported by robust contractual arrangements providing for security and access.

Reviews should be conducted on a regular basis to ensure that all information being kept is still relevant, accurate and up to date and necessary for the purposes for which it is held.

### **4. DATA DESTRUCTION**

For confidential or sensitive or personal information to be considered securely disposed of, it must be in a condition where it cannot either be read or reconstructed. Skips and regular waste disposal will not be considered secure.

Data should be disposed of on a timely and regular basis and include whenever practicable any duplicate copies including back-ups.

Paper records, including copies of photographs, should be disposed of using the Foundation's confidential waste contractors or shredded using a cross-cutting shredder. CDs / DVDS should be cut into pieces. Recordings and hard disks should also be destroyed.

All destruction or permanent erasure of records, if undertaken by a third-party, must be carried out securely, with no risk of the re-use or disclosure, or re-construction of any records or information contained in them. Where third party disposal experts are used, they should ideally be supervised but must be under adequate contractual obligations to the Foundation to process and dispose of the information. Written confirmation from the third-party that records have been permanently destroyed must be obtained for each occasion data is disposed of.

Staff should retain a log of the type of data, when it is disposed of, how it is disposed of and who disposed of it for future reference.

### **5. RESPONSIBILITIES OF ALL STAFF**

Staff must ensure the records for which they are responsible are complete, accurate records and they are maintained and disposed of in accordance with Appendix 1.

Any member of staff may seek clarification from the Data Protection Officer.

**TABLE OF RETENTION PERIODS**

Type of Record / Document	Retention Period	Data Destruction
<b><u>SCHOOL-SPECIFIC RECORDS</u></b>		
<ul style="list-style-type: none"> <li>• Registration documents of School</li> <li>• Trusts and Endowments managed by the Governors</li> <li>• Minutes of Governors' meetings</li> <li>• Reports presented to Governors</li>   <li>• Attendance Register               <ul style="list-style-type: none"> <li>○ Registers</li> <li>○ Correspondence</li> </ul> </li> <li>• Annual curriculum</li> </ul>	<p>Permanent (or until closure of the school)</p> <p>Permanent (or until closure of the school)</p> <p>Permanently retained</p> <p>6 years from date of meeting unless direct reference to an individual when the reports should be retained permanently</p> <p>6 years from last date of entry, then archive</p> <p>From end of year: 3 years (or 1 year for other class records: e.g. marks / timetables / assignments)</p>	<p>Secure disposal unless being retained permanently</p> <p>Secure disposal</p> <p>Secure disposal</p>
<b><u>INDIVIDUAL PUPIL RECORDS</u></b>		
<ul style="list-style-type: none"> <li>• Admissions: application forms, bursary application, records of decisions</li> <li>• Attendance</li> <li>• Examination results (external or internal)</li>   <li>• Pupil file including:               <ul style="list-style-type: none"> <li>○ Pupil reports</li> <li>○ Pupil performance records</li> <li>○ Pupil medical records</li> </ul> </li> <li>• Special educational needs records (<i>to be risk assessed individually</i>)</li> </ul>	<p><i>NB – this will generally be personal data</i></p> <p>25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision). If unsuccessful, up to 1 year</p> <p>Current year + 3 years</p> <p>25 years from date of birth. Uncollected Certificates are sent out recorded delivery</p> <p>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).</p> <p>Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period) The minimum retention period is 25 years from the date of birth.</p>	<p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal unless the document is subject to a legal hold.</p>

Type of Record / Document	Retention Period	Data Destruction
<ul style="list-style-type: none"> <li>○ Reviews</li> <li>○ EHCP</li> </ul>		
<p><u>INDIVIDUAL ALUMNI/PAST PARENT RECORDS</u></p> <ul style="list-style-type: none"> <li>• Contact details for alumni/past parents/teachers/former teachers/governors/former governors/donors</li> <li>• Communication records</li> <li>• Prospect research on alumni/past parents</li> <li>• Gift records including gift aid</li> </ul>	<p><i>NB – this will generally be personal data</i></p> <p>Lifetime of alumni/past parent (subject to review of consent/legitimate interest)</p>	<p>Secure disposal if consent is withdrawn</p>
<p><u>SAFEGUARDING</u></p> <ul style="list-style-type: none"> <li>• Policies and procedures</li> <li>• DBS disclosure certificates (if held)</li> <li>• Accident / Incident reporting</li> <li>• Child Protection files</li> </ul>	<p><i>NB – these records will be subject to any instruction given by IICSA</i></p> <p>Keep a permanent record of historic policies</p> <p><u>Not longer than 6 months</u> from decision on recruitment. A record of the checks being made must be kept.</p> <p>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. <sup>2</sup></p> <p>If a referral has been made / social care have been involved or child has been subject of a multi-agency plan or there is a risk of future claims – indefinitely.</p> <p>If low level concerns, with no multi-agency action – consider whether or not the child needs to be named in any record concerning an adult or if a copy should be kept on the child protection file.</p>	<p>Secure disposal of DBS certificate if copy is taken</p> <p>Secure disposal – recommend shredding on site</p>
<p><u>CORPORATE RECORDS (where applicable)</u></p> <ul style="list-style-type: none"> <li>• Certificates of Incorporation</li> <li>• Minutes, Notes and Resolutions of Boards or Management Meetings</li> <li>• Register of Members</li> </ul>	<p><i>e.g. where schools have trading arms</i></p> <p>Permanent (or until dissolution of the company)</p> <p>Minimum – 10 years, then to review</p> <p>Permanent</p>	<p>Secure disposal</p>

Type of Record / Document	Retention Period	Data Destruction
<ul style="list-style-type: none"> <li>Annual reports</li> </ul>	Permanent	
<u>ACCOUNTING RECORDS</u> <sup>3</sup> <ul style="list-style-type: none"> <li>Accounting records (<i>normally taken to mean records which enable a company's accurate financial position to be ascertained &amp; which give a true and fair view of the company's financial state</i>)</li> <li>Tax returns</li> <li>VAT returns</li> <li>Budget and internal financial reports</li> </ul>	<ul style="list-style-type: none"> <li>Current year + 6 years</li> <li>Current year + 6 years, then to review</li> <li>Current year + 6 years, then to review</li> <li>Current year + 6 years, then to review</li> </ul>	<ul style="list-style-type: none"> <li>Secure disposal</li> <li>Secure disposal</li> <li>Secure disposal</li> <li>Secure disposal</li> </ul>
<u>CONTRACTS AND AGREEMENTS</u> <ul style="list-style-type: none"> <li>Signed or final/concluded agreements (<i>plus any signed or final/concluded variations or amendments</i>)</li> <li>Deeds (or contracts under seal)</li> <li>Hirer of Facilities Application / booking forms</li> </ul>	<ul style="list-style-type: none"> <li>7 years from completion of contractual obligations or term of agreement, whichever is the later</li> <li>13 years from completion of contractual obligation or term of agreement, then to be reviewed.</li> <li>Current year + 6 years</li> </ul>	<ul style="list-style-type: none"> <li>Secure disposal</li> <li>Secure disposal</li> <li>Secure disposal</li> </ul>
<u>GENERAL</u> <ul style="list-style-type: none"> <li>Visitor signing in sheets</li> </ul>	Current year + 6 year	Secure disposal

Type of Record / Document	Retention Period	Data Destruction
<u>EMPLOYEE / PERSONNEL RECORDS</u>		
<ul style="list-style-type: none"> <li>• Single Central Record of employees</li> <li>• Contracts of employment</li> <li>• Staff personnel file</li> <li>• Employee appraisals or reviews</li> <li>• Payroll, salary, maternity pay, attendance records</li> <li>• Pension or other benefit schedule records</li> <li>• Job application and interview/rejection records (unsuccessful applicants)</li> <li>• Immigration records</li> <li>• Health records relating to employees</li> <li>• Disciplinary proceedings <ul style="list-style-type: none"> <li>○ Oral warning</li> <li>○ Written warning</li> <li>○ Final warning</li> <li>○ Penalty alternative to Dismissal with another sanction</li> </ul> </li> </ul>	<p><i>NB this will contain personal data</i></p> <p>Keep a permanent record that mandatory checks have been undertaken (but do <u>not</u> retain the DBS certificate itself: 6 months as above)</p> <p>Current year of leaving + 7 years</p> <p>As above, but <b><u>do not delete any information which may be relevant to historic safeguarding claims.</u></b></p> <p>Duration of employment, current year of leaving + 7 years</p> <p>Current year + 6 years</p> <p>Possibly permanent, depending on nature of scheme</p> <p>6 months except where we have notified applicants it will be retained for a longer period and they haven't objected</p> <p>Retain as part of personnel record – Current year of leaving + 7 years</p> <p>Current year of leaving + 7 years</p> <p>Date of warning + 6 months  Date of warning + 12 months as per warning  Date of warning + 24 months  Date of warning + 24 months</p>	<p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p>
<p><b>PLEASE NOTE: All staff files held at Foundation schools should be returned to the HR Manager at Green House when a member of staff leaves the employment of the school to ensure records are held at a central point.</b></p>		

Type of Record / Document	Retention Period	Data Destruction
<p><u>INSURANCE RECORDS</u></p> <ul style="list-style-type: none"> <li>Insurance policies (will vary – private, public, professional indemnity)</li> <li>Correspondence related to claims/ renewals/ notification re: insurance</li> </ul>	<p>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. Advice is closure of the school + 40 years</p> <p>7 years then review in the light of serious claims</p>	<p>Secure disposal</p> <p>Secure disposal</p>
<p><u>ENVIRONMENTAL &amp; HEALTH</u></p> <ul style="list-style-type: none"> <li>Maintenance logs</li> <li>Accidents to children <sup>4</sup></li> <li>Accident at work records (staff) <sup>4</sup></li> <li>Staff use of hazardous substances <sup>4</sup></li> <li>Risk assessments (carried out in respect of above) <sup>4</sup></li> </ul>	<p>10 years from date of last entry</p> <p>25 years from birth (longer for safeguarding, please see section above relating to SAFEGUARDING)</p> <p>6 years from date of accident, but review case-by-case where possible, if serious consider retaining for longer</p> <p>40 years from end of date of use</p> <p>7 years from completion of relevant project, incident, event or activity.</p>	
<p><u>DATA PROTECTION</u></p> <p>Data protection records documenting processing activity, data breaches</p> <ul style="list-style-type: none"> <li>Subject access requests log &amp; supporting documentation</li> <li>Data breach log &amp; supporting documentation</li> <li>Logs &amp; supporting documentation relating to individual rights</li> </ul>	<p>Current year + 3 years, then to review</p> <p>Current year + 3 years, then to review</p> <p>Current year + 3 years, then to review</p>	<p>Secure disposal</p> <p>Secure disposal</p> <p>Secure disposal</p>

FOOTNOTES:

1. General basis of suggestion:

Some of these periods will be mandatory legal requirements (e.g. under the Companies Act 2006 or the Charities Act 2011), but in the majority of cases these decisions are up to the institution concerned. The suggestions will therefore be based on practical considerations for retention such as limitation periods for legal claims, and guidance from Courts, weighed against whether there is a reasonable argument in respect of data protection.

2. The High Court has found that a retention period of 35 years was within the bracket of legitimate approaches. It also found that it would be disproportionate for most organisations to conduct regular reviews, but at the time of writing the ICO (Information Commissioner's Office) still expects to see a responsible assessment policy (eg every 6 years) in place.
3. Retention period for tax purposes should always be made by reference to specific legal or accountancy advice.
4. Be aware that latent injuries can take years to manifest, and the limitation period for claims reflects this: so keep a note of all procedures as they were at the time, and keep a record that they were followed. Also keep the relevant insurance documents.