



**KING EDWARD VI
ACADEMY TRUST
BIRMINGHAM**

DATA RETENTION POLICY

<i>Responsible Board</i>	Academy Trust Board
<i>Policy Officer</i>	Compliance Officer
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<i>Version</i>	2

KING EDWARD VI ACADEMY TRUST BIRMINGHAM DATA RETENTION POLICY

1. INTRODUCTION

- 1.1. The main aim of this policy is to enable King Edward VI Academy Trust (the 'Academy Trust') to manage records effectively and in compliance with data protection and other regulation. As an organisation we collect, hold, store and create significant amounts of data and information and this policy provides a framework of retention and disposal of categories of information and documents.
- 1.2. The Academy Trust is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned.
- 1.3. The table below sets out the main categories of information that we hold in relation to our Academies, our SCITT and the Academy Trust, the length of time that we intend to hold them, and the reason for this.
- 1.4. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Data Protection Lead shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.
- 1.5. If a document or piece of information is reaching the end of its stated retention period, but you are of the view that it should be kept longer, please refer to the Data Protection Lead, who will make a decision as to whether it should be kept, for how long, and note the new time limit and reasons for extension.

2. DOCUMENT RETENTION PERIOD

DOCUMENT TYPE	LEGISLATION	STATUTORY REQUIREMENT/BASIS FOR RETENTION	ACADEMY TRUST
COMPANY RECORDS			
Company Articles of Association, Rules / bylaws	Companies Act 2006 Charities Act 2011	Permanent	
Academy funding agreement and any supplemental agreements	Charities Act 2011	Permanent	
Trustee / director minutes of meetings and written resolutions	Companies Act 2006 Charities Act 2011	Recommended at least 10 years	Permanent – transfers to Archive
Members' meetings etc. Minutes / resolutions	Companies Act 2006 Charities Act 2011	Recommended at least 10 years	Permanent – transfers to Archive
Documents of clear historical / archival significance	Data Protection regulation	Permanent if relevant data protection regulation provisions are met. At the time of writing the Data Protection Bill contains relevant provisions but these are expected to change as the Bill goes through the parliamentary process. Legal advice should be obtained once the Data Protection Act 2018 is published.	
Contracts e.g. with suppliers or grant makers	Limitation Act 1980	Length of contract term plus 6 years	
Contracts executed as deeds	Limitation Act 1980	Length of contract term plus 12 years	
IP records and legal files re provision of service	Limitation Act 1980	Recommended: Life of service provision or IP plus 6 years	
TAX AND FINANCE			
Annual accounts and review (including transferred records on amalgamation)	Companies Act 2006 Charities Act 2011	Minimum 6 years Recommended: permanent record	

Tax and accounting records	Finance Act 1998 Taxes Management Act 1970	6 years from end of relevant tax year	
Information relevant for VAT purposes	Finance Act 1998 and HMRC Notice 700/21	Minimum 6 years from end of relevant period	
Banking records / receipts book/sales ledger	Companies Act 2006 Charities Act 2011	6 years from transaction	
EMPLOYEE / ADMINISTRATION			
Payroll / Employee / Income Tax and NI records: P45; P6; P11D; P60, etc.	Taxes Management Act 1970 / IT (PAYE) Regulations	6 years from end of current year	
Maternity pay	Statutory Maternity Pay Regulations	3 years after the end of the tax year	
Sick pay	Statutory Sick Pay (General) Regulations	3 years after the end of the tax year	
National Minimum wage records	National Minimum Wage Act	3 years after the end of the tax year	
Foreign national ID documents	Immigration (Restrictions on Employment) Order 2007 Independent School Standards Regulations	Minimum 2 years from end of employment	
HR files and training records	Limitation Act 1970 and Data Protection regulation	Maximum 6 years from end of employment	
Records re working time	Working Time Regulations 1998 as amended	2 years	
Job applications (CVs and related materials re unsuccessful applicants)	ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976	Recommended: 6-12 months from your notification of outcome of application	
Pre-employment / volunteer vetting	ICO Employment Practice Code Independent School Standards Regulations	6 months	

Disclosure & Barring Service checks	<p>Single Central Record Requirements under</p> <ul style="list-style-type: none"> • for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007); • for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014; 	<p>Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months See further DfE statutory Guidance ‘Working Together to safeguard children’ https://www.gov.uk/government/publications/working-together-to-safeguard-children--2</p>	
Volunteer records		Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding re work with children)	
Allegations of a child protection nature made against a member of staff (including unfounded allegations)	Employment Practices Code: Supplementary Guidance (Information Commissioner’s Office)	Retain until the normal retirement age for the member of staff or for 10 years (whichever is the longer)	

INSURANCE			
Employer's Liability Insurance	Employers' Liability (Compulsory Insurance Regulation) 1998	40 years	
Policies	Commercial	3 years after lapse	
Claims correspondence	Commercial	3 years after settlement	
HEALTH & SAFETY / MEDICAL			
General records	Limitation Act 1970	Minimum 3 years	
Records re work with hazardous substances	Control of Hazardous Substances to Health Regulations 2002	Up to 40 years. Recommend: Permanent	
Accident books / records and reports	Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995	3 years after last entry or end of investigation	
Medical Scheme documentation	Commercial	Permanent unless personal data is included	
PREMISES / PROPERTY			
Original title deeds		Permanent / to disposal of property	
Leases	Limitation Act 1980	12 years after lease has expired	
Building records, plans, consents and certification and warranties etc	Limitations Act 1980	6 years after disposal or permanent if of historical / archival interest. Carry out review re: longer retention, e.g. if possible actions against contractors	
PENSION RECORDS			
Records about employees and workers	For all categories see: Detailed Guidance for Employers: (April 2017) pensions regulator.gov.uk		
Records re the Scheme			
Records re active members and opt in / opt out			
Trust Deed / Rules and HMRC approvals			

Trustees' Minutes and annual accounts			
Policies including investment policies			
PUPILS			
Educational Record	Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context. Data Protection regulation	25 years from date of birth if this is the final school of the child but the pupil file should follow the pupil, so it is likely to be difficult to justify the need for retention once the file has been passed to the pupil's new school	
Child Protection and Safeguarding information	<p>"Keeping children safe in education Statutory guidance for schools and colleges 2018";</p> <p>"Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children February 2017"</p> <p>Government guidance: Data protection: toolkit for schools (see page 31).</p>	<p>Until the child is 25 years of age or older if required.</p> <p>'Long term, until the child is 25 years of age or older, for instances where detailed information about activities in school may form an important part of safeguarding for that individual'.</p>	The information should not be kept any longer than is necessary. In some rare circumstances, this may be indefinitely, but if this is the case, there should be a review process scheduled at regular intervals to ensure data is not retained where it is unnecessary to do so
Child Abuse	The Independent Inquiry into Child Sexual Abuse (IICSA), This has been reinforced by including this in Keeping	<p>RETAIN UNTIL FURTHER RECOMMENDATIONS</p> <p>Organisations should not destroy any records that might be relevant</p>	

	Children Safe in Education (DfE, 2018), paragraph 215.	(see https://www.iicsa.org.uk/sites/default/files/letter-to-local-authority-ceos.pdf).	
Annual parents' meetings papers	Common Practice	Retain for 6 years	
Successful school admissions applications	Common Practice	Retain for 1 year	
Unsuccessful school admission applications (where no appeal is made)	School Admissions Appeals Code 2012	Retain for 1 year	
Unsuccessful school admission applications (where an appeal is made)	School Admissions Appeals Code 2012	Retain for 1 year from resolution of case	
Proofs of address supplied by parents as part of the admissions process	Common practice	Retain for 1 year from date of admission	
Attendance registers	Common practice	Retain for 3 years	
SPECIAL EDUCATIONAL NEEDS			
SEN files	Limitation Act 1980 and Special Educational Needs and Disability Act 2001	Usually 25 years from date of birth of the pupil. If kept longer show good justification.	
Education Health and Care Plans	Special Educational Needs and Disability Regulations 2014 Children and families Act 2014, part 3	25 years from date of birth of the pupil	
Statements of Special Educational Needs (now historic)	Originally under Special Educational Needs and Disability Regulations 2001	25 years from date of birth of pupil unless passed to new school (usually on the pupil's file)	
Attendance registers	Pupil Registration Regulations 2006 Regulation 14	3 years from when the register entry was made if made in paper registers	

		For computerised registers retain until 3 years after the end of the school year during which the entry was made. This applies to every back up copy. The difference in retention periods as between manual and computerised registers has probably come about in error but this is what the Regulations say.	
Other items e.g. curriculum related, photographs, video recordings	Case by case basis	Look at why you are processing this and how long you need it for. Make sure you have a good justification for keeping it as long as you do. Set out the items and the justification.	
PARENTS			
Parent details	Pupil Registration Regulations 2006 For basic name and contact details. Otherwise usually operational in accordance with the statutory functions of the school	Usually, for the duration that the parent has a pupil at the school. Otherwise subject to case by case justification.	
ALUMNI / ALUMNAE			
Alumni / alumnae and their parents		No legal clarity at present. Seek further advice when the Data Protection Act 2018 is in final form (likely to be May/June 2018)	
GOVERNANCE			
Policy Documents	Common practice	Retain while policy is used operationally.	Move to archive
Complaints files	Common practice	Retain for 6 years	Destroy after 6 years if non-contentious

Annual reports required by central government	Education (Governors' Annual Reports) (England) (Amendment) Regulations 2002	Retain for 10 years	
KING EDWARD'S CONSORTIUM SPECIFIC			
UCAS application form (successful)	Limitation Act 1980 c.58	End of student relationship + 6 years maximum	KEC retain on HR file for duration of course and for 2 years after completion of course
UCAS application form (unsuccessful)	JISC	Retain for 1 year	
KEC additional information form (successful)	Limitation Act 1980 c.58	End of student relationship + 6 years maximum	KEC retain on HR file for duration of course and for 2 years after completion of course
KEC additional information form (unsuccessful)	JISC	Retain for 1 year	
Additional references form	Limitation Act 1980 c.58	End of student relationship + 6 years maximum	KEC retain on HR file for duration of course and for 2 years after completion of course
Academic qualifications (copy certificates)	Limitation Act 1980 c.58	Retention variable for different types of personal data up to a maximum of: End of registered student relationship +6 years	KEC retain for 2 years after completion of course
KEC interview notes and entrance tests (successful)		Retain on HR file for duration of course and for 2 years after completion of course	
KEC interview notes and entrance tests (unsuccessful)		Retain for 1 year	
School-based interview notes (salaried trainees only)	Limitation Act 1980 c.58	End of student relationship + 6 years maximum	KEC retain on HR file for duration of course and for 2 years after completion of course
Safer recruitment checks confirmation letters to schools	Limitation Act 1980 c.58	Retention variable for different types of personal data up to a maximum of: End of registered student relationship +6 years	KEC retain for 2 years after completion of course
Disclosure & Barring Service checks (Strictly Education)	Keeping children safe in education 2018 (Statutory	Retain on HR file for duration of course and for 2 years after completion of course	

	Guidance from Dept. of Education) Sections 73, 74		
Fit to Teach medical		Retain on HR file for duration of course and for 2 years after completion of course	
Right to work check - evidence	An employer's guide to right to work checks (Home Office January 2019)	Retain on HR file for duration of course and for 2 years after completion of course	
KEC Contract for fee-paying trainees	Limitation Act 1980	End of the contract + 6 years	
Code of Professional Conduct and Fitness to Practice		Retain on HR file for duration of course and for 2 years after completion of course	
SKE certificate/ confirmation		Retain on HR file for duration of course and for 2 years after completion of course	
Self-certification absence form		Retain on HR file for duration of course and for 2 years after completion of course	
Correspondence		Retain on HR file for duration of course and for 2 years after completion of course	
References from KEC for NQT posts		End of student relationship + 6 years maximum	
Training records		Retain on HR file for duration of course and for 2 years after completion of course	
Final report		End of student relationship + 6 years maximum	
Student database entry	Limitation Act 1980 c.58	Retention variable for different types of personal data up to a maximum of: End of registered student relationship +6 years	KEC retain for 2 years after completion of course
Handling of formal complaints made by individual students	Limitation Act 1980 c.58	Last action + 6 years	
Handling of complaints made by individual students where the formal complaints procedure is not initiated	JISC	Last action + 3 years	

OTHER INFORMATION			
Minutes of management team	Common practice	Retain for 5 years	
Development plans	Common practice	Retain for 6 years	
Other information	various	Please consult the IRMS toolkit for schools which is here: http://irms.org.uk/page/SchoolsToolkit	

3. DELETION OF DOCUMENTS

- 3.1. When a document is at the end of its retention period, it should be dealt with in accordance with this policy.

Confidential waste

- 3.2. This should be made available for collection in the confidential waste bins or sacks located around the office.
- 3.3. Anything that contains personal information should be treated as confidential.
- 3.4. Where deleting electronically, please refer to the Academy IT support to ensure that this is carried out effectively.

Other documentation

- 3.5. Other documentation can be deleted or placed in recycling bins where appropriate.

Individual responsibility

- 3.6. Much of the retention and deletion of documents will be automatic, but when faced with a decision about an individual document, you should ask yourself the following:
 - 3.6.1. Has the information come to the end of its useful life?
 - 3.6.2. Is there a legal requirement to keep this information or document for a set period? (Refer to Appendix 1 for more information)
 - 3.6.3. Would the information be likely to be needed in the case of any legal proceedings? In particular, is it potentially relevant to an historic child abuse enquiry? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)
 - 3.6.4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?
 - 3.6.5. Is the document of historic or statistical significance?
- 3.7. If the decision is made to keep the document, this should be referred to the Data Protection Officer and reasons given.