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Data Retention Policy

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Dudley Metropolitan Borough Council

Data Retention Policy for Our Lady & St Kenelm Catholic Primary School

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 School and the School Governing Body has adopted the Policy as specified below.

Purpose

The purpose of this policy is to provide a statement of intent on how the school 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 school 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 school follows including

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the Information and Records Management Society (Information Management Toolkit for Schools) (the school has a link from its Pupil Privacy Notice to the Toolkit).

It is the intention of Our Lady & St Kenelm Catholic Primary School 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 school recognises that data retention is based on justification, i.e. if the school can justify it, the school can keep it!

The school also recognises the following:

(1) Why it is holding the data in the first instance (please refer to the school'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 school to another 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 schools 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

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For all data and records obtained, used and stored within the school, 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 **[insert name of schools']** Information Asset Register.

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 school recognises the importance to put 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 school 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 school has created data is active, in order to ensure any 'loose ends' are tied up, e.g. data retention around CCTV images being

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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 school, in order to ensure smooth 'handover' activity related to the child if passed on to a subsequent school.

- For 6 years after a pupil has left school, 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 school 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 Schools Toolkit and the Department for Education Data Protection Toolkit for Schools, 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 Our Lady & St Kenelm Catholic Primary School has sort legal advice.

Data Destruction

All information of a confidential or sensitive nature will be destroyed in a secure way. This ensures that Our Lady & St Kenelm Catholic Primary School is compliant with Data Protection Law and recognises the duty of confidentiality.

Our Lady & St Kenelm Catholic Primary School is committed to the secure and safe disposal of any confidential waste and information assets in accordance with the school's contractual and legal obligations and that the school does so in an ethical and compliant manner.

Our Lady & St Kenelm Catholic Primary School confirm 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.

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

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

Outcomes

By implementing the Data Retention Policy, Our Lady & St Kenelm Catholic Primary School the School and Governing Body will:

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

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

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APPENDIX 1.0: Data Retention Schedule					
Document	**Content**	**Retention Period**	**Disposal**	**Information Asset Owner**	**Good Practice**
SHORT TERM RETENTION PERIOD					
	▪				
Evidence of Right to Work (Home Office)	▪ Evidence of Right to Work for successful candidates	Home Office requires documents are kept for termination of employment + not less than 2 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools
Information Society Services app, e.g. Purple Mash, Tapestry, etc	▪ Name of pupil ▪ Class	For the duration of the pupil's time at school	Deleted electronically by the Data Controller	Head Teacher/Governing Board	Data Controller to consider the lawful basis for retaining beyond this period
Parental consent forms for School Trips (no major incident)	▪ Pupil name ▪ Next of kin contact details	Conclusion of the trip (or at the end of the academic year). If in doubt the school should seek legal advice	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools
Staff Pre-employment vetting information	▪ DBS Checks	The school does not have to keep copies of DBS certificates. If the school does copies must NOT be retained for more than 6 months	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools
Staff Recruitment and Selection	▪ Candidate assessment/ shortlisting notes ▪ Interview notes ▪ Unsuccessful applications	All relevant information should be added to staff personal file. All other information retained for 6 months	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Unsuccessful candidates	▪ Application forms ▪ Interview notes	6 months to 1 year	Secure disposal by the Data Controller	Head Teacher/Governing Board	Chartered Institute of Personnel and Development
Text/Communication app between parents & schools	▪ Name and contact details of those with parental responsibility	For the duration of the pupil's time at school	Deleted electronically by Data Controller	Head Teacher/Governing Board	Data Controller to consider the lawful basis for retaining beyond this period
Document	**Content**	**Retention Period**	**Disposal**	**Information Asset Owner**	**Good Practice**

MEDIUM TERM RETENTION PERIOD					
Accident Reporting	▪ Contains information relating to individuals	Adults and Children - Accident Book + 3 years after last entry *(i.e. if it takes 5 years to complete book must be retained for a further 3 years)*	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Admissions files (successful)	▪ Pupil data received and used at point of enrolment ▪ Data used in MIS as a core record	Pupil at school + 1 year	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools
Admissions files (unsuccessful)	▪ Pupil data	Resolution of case + 1 year	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Board of Governors	▪ Agenda, meeting notes, minutes	The Local Authority is only required to make these available for 10 years from the date of the meeting	Consult local archives before disposal	Head Teacher/Governing Board	IRMS Toolkit for Schools
Board of Governors Action Plans and Policy Documents	▪ Action Plans & policy documents created and administered by Governing Body	Until superseded		Head Teacher/Governing Board	IRMS Toolkit for Schools
Board of Governors Records relating to complaints	▪ Meeting notes ▪ Reports	Date of resolution + 6 years then review	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
EYFS	▪ Pupil information ▪ Nursery register	Records should be retained for a reasonable period of time after children have left the provision (e.g. three years) or until the next Ofsted inspection after the child has left the setting (whichever is the soonest)	Common Transfer File by the Data Controller or Secure disposal by the Data Controller	Head Teacher/Governing Board	Childcare Act 2006

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Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
MEDIUM TERM RETENTION PERIOD					
Free School Meals Registers	▪ Pupil information (where registers are used as a basis for funding	Current year + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Medical Conditions	▪ Name of Pupil ▪ Medical Conditions ▪ Medicine administration	Medical conditions + ongoing management. Pupil at school + 1 year. *(The school may wish to give consideration to any local policies or guidance that have been produced by local safeguarding boards)*	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools
Minutes of Senior Leadership Team & meetings of other internal	▪ Minutes of SLT ▪ Minutes from internal meetings	Date of meeting + 3 years then review annually, or as required if not destroyed	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Ofsted Reports and papers		Life of report and then review	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Photo Consent Forms	▪ Name of parental responsibility ▪ Signature	For the duration of the pupil's time at school	Secure disposal by the Data Controller	Head Teacher/Governing Board	Data Controller to consider the lawful basis for retaining beyond this period
Property Files	▪ Maintenance logs ▪ Work carried out by contractors	Recommend retained by the school whilst building belongs to the school and should be passed on to any new owners if the building is leased or sold	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Pupil Premium Fund Records	▪ Pupil premium fund details	Date pupil leaves + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Returns made to central government		Current year + 6 years	Deleted electronically by the Data Controller	Head	IRMS Toolkit for Schools

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				Teacher/Governing Board	
Document	**Content**	**Retention Period**	**Disposal**	**Information Asset Owner**	**Good Practice**
MEDIUM TERM RETENTION PERIOD					
School Census Returns		Current year + 5 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Schools Meals Registers	▪ Pupil information	Current year + 3 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Staff Absence and Attendance	▪ Annual leave record ▪ Absence record ▪ Sickness record	Current year + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	Forms part of the personnel records
Staff Development Plans	▪ Courses and training	Life of the Plan + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Staff Discipline and Grievance	▪ Letters, reports and meeting notes relating to cases	Oral warning – Date of warning + 6 months Written warning (Level 1) – Date of warning + 6 months Written warning (Level 2) – Date of warning + 12 months Final warning – Date of warning + 18 months	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Staff Payslips	▪ Copies	Current + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Staff Performance	▪ Personal Development	Current + 6 years	Secure disposal by the	Head	IRMS Toolkit for

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Assessment (annual appraisal/assessment records)	Record ▪ Promotion/regrading		Data Controller	Teacher/Governing Board	Schools
Staff Personnel Files	▪ Personal and sensitive data	Termination of employment + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Document	**Content**	**Retention Period**	**Disposal**	**Information Asset Owner**	**Good Practice**
MEDIUM TERM RETENTION PERIOD					
Staff pre-employment vetting	▪ Home Office checks	Home Office records kept for termination of Employment + not less than 2 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Staff Timesheets	▪ Record of staff onsite (logging in and out)	Current + 3 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Student Attendance Registers	▪ Pupil attendance information	Date of last entry + 3 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Student Behaviour		Pupil at school + 1 year	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools
Student Books	▪ Class Record Books ▪ Mark Books ▪ Records of Homework set ▪ Student work	Current Year + 1 Year Where possible student's work should be returned to the students at the end of the academic year	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Student Exclusions		Pupil at school + 1 year. Exclusion data should be 'passed on' to subsequent settings. The school then has	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools

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		the responsibility for retaining the full history of the child. The school should already ensure that the LA has the exclusion data			
Visitor Books and signing in sheets	▪ Name of individual ▪ Company ▪ Time of entry and departure ▪ Vehicle Registration	Last entry in the visitor book + 6 years then review	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Document	**Content**	**Retention Period**	**Disposal**	**Information Asset Owner**	**Good Practice**
LONG TERM RETENTION PERIOD					
Children Safeguarding Files	▪ Personal and sensitive data	Record transferred from primary school to receiving school. Secondary school to retain from DOB of the child + 25 years as part of Student Education Record	Common Transfer File by the Data Controller. Data at source will need to be disposed of in line with appropriate retention period	SENCo/Designated Safeguarding Lead	IRMS Toolkit for Schools *(in consultation with Safeguarding Children Group)*
CPOMS	▪ Personal and sensitive data	Record transferred from primary school to receiving school. Secondary school to retain from DOB of the child + 25 years as part of Student Education Record	Common Transfer File by the Data Controller. Data at source will need to be disposed of in line with appropriate retention period	SENCo/Designated Safeguarding Lead	IRMS Toolkit for Schools *(in consultation with Safeguarding Children Group)*
Parental consent forms for School Trips (major incident)	▪ Pupil name ▪ Next of kin contact details	Record transferred from primary school to receiving school. Retained from DOB of the child + 25 years. Consent retained for all pupils to show rules had been followed for all students	Secure disposal by the Data Controller	Head Teacher/Governing Board	DfE Data Protection Toolkit for Schools

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SATS Results	▪ Pupil information	Record transferred from primary school to receiving school. Retained from DOB of the child + 25 years. A composite record of all school year SATS results should be kept by primary school for Current + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Document	**Content**	**Retention Period**	**Disposal**	**Information Asset Owner**	**Good Practice**
Special Educational Needs (SEN) Records	▪ SEN files ▪ Education, Health and Care Plans	Record transferred from primary school to receiving school. DOB of pupil + 31 years (EHCP is valid until individual reaches age of 25 + 6 years from end of plan in line with Limitation Act)	Secure disposal by the Data Controller	SENCo/Designated Safeguarding Lead	IRMS Toolkit for Schools
Single Central Record	▪ Personal and sensitive data ▪ DBS Checks ▪ Medical Checks ▪ Contact details	Entry in excel spreadsheet 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	Head Teacher/Governing Board	Statutory guidance issued by UK Border Agency
Students Educational Record (Education Pupil Information Regulations 2005) Primary School	▪ Pupil information ▪ Examination results (public & internal)	Retained whilst the child remains at the primary school. Transfer to receiving school when child leaves the school	Common Transfer File by the Data Controller. Data at source will need to be disposed of in line with the appropriate retention	Head Teacher/Governing Board	IRMS Toolkit for Schools

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			period		
Students Educational Record (Education Pupil Information Regulations 2005)	▪ Pupil information ▪ Examination results (public & internal)	Record transferred from primary school to receiving school. Retained from DOB of the child + 25 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools

APPENDIX 2.0: Data Retention Schedule interpreted and summarised for Management Information Systems

Admission Roll Pupils

Admission Appeals Retain for 1 year on Admissions roll after closure of any appeal.
Unsuccessful admissions that have not gone to appeal can be deleted after any appeal deadline has passed.
Successful admission pupils will have been transferred to current roll and therefore subject to former and current roll retention times.

Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
Admissions files (unsuccessful)	▪ Pupil data	Resolution of case + 1 year	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools

Former and Current Roll Pupils

Primary School Pupils Retain primary school MIS pupil record for 6 years after the pupils leave date. This is necessary to produce a composite record of school year SATS results

Document	Content	Retention Period	Disposal	Information Asset	Good Practice

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				Owner	
SATS Results	▪ Pupil information	Record transferred from primary school to receiving school. Retained from DOB of the child + 25 years – applicable to secondary and special school pupils. A composite record of all school year SATS results should be kept by primary school for Current + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools

Secondary School Pupils Retain secondary school pupil data for 25 years after the DOB of child. E.g. Pupil left school whose DOB was 1/1/2010. Although pupil is on former roll do not delete until the pupil is 25 years old, therefore the record should not be deleted until 1/1/2035. This is necessary to retain SATS/exams results and ensures any safeguarding data is retained. *(SEN records is DOB + 25 + 6 years)*

Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
SATS Results	▪ Pupil information	Retained from DOB of the child + 25 years – applicable to secondary pupils and special school pupils	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Children Safeguarding Files	▪ Personal and sensitive data	Record transferred from primary school to receiving school. Secondary school to retain DOB of child + 25 years as part of Student Education Record	Common Transfer File by the Data Controller. Data at source will need to be disposed of in line with retention period	SENCo/Designated Safeguarding Lead	IRMS Toolkit for Schools
Student Examination Results (SATS)	▪ Contains information relating to the student	Part of the Student Education Record. DOB + 25 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools

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Special School Pupils Retain data for 25 years after the DOB of child. E.g. Pupil left school whose DOB was 1/1/2010. Although pupil is on former roll do not delete until the pupil is 25 years old, therefore the record should not be deleted until 1/1/2035. This is necessary to ensure any safeguarding data is retained *(SEN records is DOB + 25 + 6 years)*

Document	Content	Retention Period	Disposal	Information Asset Owner	Good Practice
Special Educational Needs (SEN) Records	▪ Personal and sensitive data	DOB of pupil + 31 years (EHCP is valid until individual reaches age of 25 + 6 years from end of plan in line with Limitation Act)	Secure disposal by the Data Controller	SENCo/Designated Safeguarding Lead	IRMS Toolkit for Schools
Children Safeguarding Files	▪ Personal and sensitive data	Record transferred from primary school to receiving school. Secondary school to retain DOB of child + 25 years as part of Student Education Record	CTF by the Data Controller. Data at source will need to be disposed of in line with retention period	SENCo/Designated Safeguarding Lead	IRMS Toolkit for Schools

Staff Records

Retain for 6 years after their leave date.

Document	Content	Retention Period	Disposal	Information Asset	Good Practice

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				Owner	
Staff Personnel Files	▪ Personal and sensitive data	Termination of employment + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	IRMS Toolkit for Schools
Staff Absence and Attendance	▪ Annual leave records ▪ Maternity/paternity/special leave/academic leave	Termination of employment + 6 years	Secure disposal by the Data Controller	Head Teacher/Governing Board	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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