



# Data Retention Policy

Policy date:	April 2022
Date of next review:	April 2023
Owner:	Bursar/Deputy Bursar
SLT committee responsible:	Data Committee
Intended audience:	All Staff
Location:	School Portal and Website

## **1. Purpose and Scope of the Policy**

- 1.1 This policy sets out the periods of retention the School applies to the different categories of records it holds.
- 1.2 The School will retain and store records in accordance with the relevant legal considerations which include:
- the General Data Protection Regulations (GDPR), the Data Protection Act 2018, and associated legislation;
  - other statutory duties and government guidance relating to schools, e.g. KCSIE;
  - disclosure requirements for potential future litigation;
  - contractual obligations; and
  - the law of confidentiality and privacy.
- 1.3 These will inform not only minimum and maximum retention periods, but also what the School must keep and who should be able to access it.

## **2. Roles and Responsibility**

- 2.1 The Bursar has oversight of data protection at the School, and is assisted in this on a day to day basis by the Deputy Bursar. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Bursar or Deputy Bursar.

## **3. Child Protection and Document Retention**

- 3.1 In the light of the Independent Inquiry into Child Sexual Abuse the School is aware of the emphasis currently being placed on long-term, lifetime or even indefinite keeping of full records related to incident reporting. Regardless of suggested retention timescales set out below, the School may at its discretion extend retention periods, particularly in respect of any personnel or pupil documents, if they contain any information which may be relevant to allegations or future claims relating to safeguarding. Data protection issues should never put child safety at risk, nor take precedence over safeguarding considerations.

## **4. Meaning of "Record"**

- 4.1 In these guidelines, "record" means any document or data which contains evidence or information relating to the School, its pupils or staff. Some of this material, but not all, will contain personal data as defined in the GDPR.
- 4.2 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.
- 4.3 Both paper and digital records will be stored securely, and all appropriate measures taken to ensure the security of the data at all times.

## **5. Secure Disposal of Documents**

- 5.1 When data is to be destroyed, this will be done securely. This may be carried out by an appropriately licenced third party, with whom an appropriate Data Processing Agreement is in place.

5.2 For data to be considered securely disposed of, it must be in a condition where it cannot either be read or reconstructed. Paper records must be shredded using a cross-cutting shredder; CDs / DVDs / diskettes will be cut into pieces.

5.3 Hard-copy images, AV recordings and hard disks will be dismantled and destroyed.

## 6. Timescales for Retention

6.1 Except where there is a specific statutory obligation to destroy records, the timescales suggested below should not be treated as prescriptive. They are guidelines only and should not be a substitute for exercising careful thought and judgement, or taking specific advice where necessary, depending on the circumstances. Sometimes, case-by-case decision making for the retention of documents will be required.

### Table of suggested retention periods

Type of Record/Document	Suggested Retention Period	Owner/ Location
<i>EMAILS</i>		
Pupil email accounts	Delete within one year of leaving the School.	Server/ cloud
Staff emails	Routine deletion of historic emails after 2-3 years and delete accounts within 1 year of leaving the School.	Server / cloud
<i>GOVERNANCE RECORDS</i>		
Registration documents of School	Permanent or until closure of the School, and then likely subject to archiving for documents of historical significance.	Bursary/ Archives
Minutes of Governors' meetings	Legal requirement is 6 years from date of meeting but likely subject to archiving for records of historical significance.	Governors' Portal/ Archives
<i>ATTENDANCE RECORDS</i>		
Attendance Register	6 years from the last date of entry, then archived permanently.	Electronic record kept on iSAMS / School Office holds hard copy for inspection purposes
<i>ACADEMIC RECORDS</i>		
Annual curriculum	3 years from the end of the academic year.	Director of Studies/ Deputy Head (Academic).
Class records (e.g. marks, timetables, assignments)	1 year from the end of the academic year	Director of Studies/ HODs / Teaching staff
<i>ADMISSIONS RECORDS</i>		
Admissions records including application forms, admissions assessments, bursary and scholarship information, and records of decisions:		
For pupils who are admitted	25 years from date of birth (or 7 years from the pupil leaving).	iSAMS
For pupils who are unsuccessful	1 year	iSAMS / Admissions Department

Type of Record/Document	Suggested Retention Period	Owner/ Location
Pupil immigration records for sponsored students	Duration of student sponsorship plus minimum 1 year (i.e. this means for one year after pupil has left the School)	Admissions Department files (electronic files in Google and hard copy kept for UKVI inspection purposes)
<b>PUPIL RECORDS</b>		
Examination results (external or internal)	7 years from pupil leaving the School	iSAMS / Examinations Office
Pupil file including: <ul style="list-style-type: none"> <li>- Pupil reports</li> <li>- Performance records</li> <li>- Pupil medical information</li> </ul>	25 years from date of birth (or 7 years from the pupil leaving). <i>(Note - this is subject to the School keeping any documents that may be relevant to potential future claims).</i>	iSAMS
Special educational needs records	Date of birth plus up to 35 years ( <i>risk assessed</i> )	Learning Support Department
<b>SAFEGUARDING</b>		
Policies, procedures and insurance	The School now retains a permanent record of historic policies and procedures and insurance documents.	Historic policies and procedures are retained in the Policies Shared Drive accessible by SLT. Insurance documents are retained by the Head of Finance.
DBS disclosure certificates	<u>The School does not hold copies of DBS certificates.</u> Original certificates are inspected on recruitment and DBS details (number and date) are recorded.	A record of the checks made is kept on SCR and in a hard copy personnel file kept by the HR Department. These are retained indefinitely in case of future claims.
Accident / Incident reporting	Records must be kept for as long as any living victim may bring a claim (note that civil claim limitation periods can be set aside in cases of abuse). Files should be reviewed from time to time (every 6 years) if resources allow and a suitably qualified person is available.	CPOMS; files kept by Deputy Head (Safeguarding and Wellbeing); legal files kept by Deputy Bursar
Child Protection files	If a referral has been made; social care have been involved; the child has been the subject of a multi-agency plan; or if there is any risk of future claim(s), such files must be kept indefinitely.	CPOMS; Deputy Head (Safeguarding and Wellbeing); legal files kept by Deputy Bursar
Video recordings of meetings	Where e.g. one-on-one meetings of classes, counselling, or application interviews are recorded for safeguarding purposes, a shorter-term retention policy is acceptable based on the DSL's view of how quickly a concern will likely be raised: e.g. 3-6 months or immediately upon DSL review.	DSL/ Deputy Head (Safeguarding and Wellbeing)

Type of Record/Document	Suggested Retention Period	Owner/ Location
<b>CORPORATE RECORDS</b> (e.g. for Haileybury Enterprises Ltd)		
Certificates of Incorporation	Permanent (or until dissolution of the company)	Held by Bursar/ Head of Finance
Minutes and Resolutions of Boards	Minimum – 10 years	Held by Deputy Bursar
Shareholder resolutions	Minimum – 10 years	Held by Deputy Bursar
Register of Members/ Shareholders	Permanent (minimum 10 years for ex members/shareholders)	Held by Deputy Bursar
Annual reports	Minimum – 6 years	Head of Finance
<b>ACCOUNTING RECORDS</b> (always subject to professional advice from accountants/auditors)		
Accounting records (Note - this is normally taken to mean records which enable an accurate financial position to be ascertained and which give a true and fair view of the School's financial status) - as advised by the School's auditors	Minimum 6 years for private UK companies i.e. Haileybury Enterprises Ltd Minimum 6 years for UK charities from the end of the financial year in which the transaction took place Internationally: can be up to 20 years depending on local legal/accountancy requirements	Head of Finance
Tax returns	Minimum 6 years	Head of Finance
VAT returns	Minimum 6 years	Head of Finance
Budget and internal financial reports	Minimum 3 years	Head of Finance
<b>CONTRACTS AND AGREEMENTS</b>		
Signed or final/concluded agreements (plus any signed or final/concluded variations or amendments)	Minimum 7 years from completion of contractual obligations or term of agreement, whichever is the later	Deputy Bursar
Deeds (or contracts under seal)	Minimum 13 years from completion of contractual obligation or term of agreement	Deputy Bursar
<b>INTELLECTUAL PROPERTY RECORDS</b>		
Formal documents of title (trademark or registered design certificates; patent or utility model certificates)	Permanent (in the case of any right which can be permanently extended, e.g. trademarks); otherwise expiry of right plus minimum of 7 years.	Deputy Bursar
Assignments of intellectual property to or from the school	As above in relation to contracts (7 years) or, where applicable, deeds (13 years).	Deputy Bursar
IP / IT agreements (including software licences and ancillary agreements e.g. maintenance; storage; development; coexistence agreements; consents)	Minimum – 7 years from completion of contractual obligation concerned or term of agreement	Deputy Bursar

Type of Record/Document	Suggested Retention Period	Owner/ Location
<b>EMPLOYEE / PERSONNEL RECORDS</b>		
Single Central Record of employees	The School keeps a permanent record of that mandatory checks that have been undertaken on recruitment on the SCR.	SCR / HR Department
HR staff files (including employment contracts, appraisals or reviews, payroll and salary records, application and interview records, immigration and right to work documents, records of any concerns, and employee health records)	7 years from effective date of end of contract i.e. for duration of employment plus minimum of 7 years. However these should be retained indefinitely if they may be relevant to historic safeguarding claims.	HR Department - held on iSAMS and employee electronic file
Pension or other benefit schedule records	Potentially permanent (i.e. lifetimes of those involved), depending on nature of scheme	Payroll / HR Department
<b>INSURANCE RECORDS</b>		
Insurance policies (will vary – private, public, professional indemnity)	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.	Head of Finance
Correspondence related to claims/ renewals/ notification re: insurance	Minimum – 7 years ( <i>but this will depend on what the policy covers and whether e.g. historic claims may still be made</i> )	Head of Finance / Deputy Bursar
<b>ENVIRONMENTAL, HEALTH AND DATA PROTECTION</b>		
Maintenance logs	10 years from date of last entry	Estates Office
Accidents to children	25 years from birth (or indefinitely for issues relating to safeguarding) Note - latent injuries can take years to manifest, and the limitation period for claims reflects this. Therefore keep a note of all procedures as they were at the time, plus a record that they were followed, and relevant insurance documents.	Health and Safety Manager / DSL if safeguarding / Deputy Bursar for documents relating to potential legal claims
Accident at work records (staff)	Minimum 4 years from date of accident, but reviewed case-by-case by Deputy Bursar	Health and Safety Manager / Deputy Bursar
Staff use of hazardous substances	Minimum – 7 years from end of date of use	Health and Safety Manager
Covid-19 risk assessments, consents etc. ( <i>for now: this to be subject to further review</i> )	Retain for now legal paperwork (consents, notices, risk assessments) but not individual test results	Health and Safety Manager

Type of Record/Document	Suggested Retention Period	Owner/ Location
Risk assessments (carried out in respect of above)	7 years from completion of relevant project, incident, event or activity.	Health and Safety Manager (risk assessments held on iProtectU)
Art.30 GDPR records of processing activity, data breach records, impact assessment	No limit (as long as no personal data held), but must be kept up-to-date, accurate and relevant.	Held by Deputy Bursar

<b>Version history</b>		
<b>Date</b>	<b>Reviewed by</b>	<b>Notes</b>
April 2022	Data Committee	New policy
April 2022	SLT	Approved