



Flockton C of E (C) First School

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Data Retention Schedule & Guidance

Introduction

With the new General Data Protection Regulations coming into force our school will take care to store data for a period of time that reflects their needs but equally protects the rights of individuals. However, there are still legal considerations in respect of retention of records and documents which must be borne in mind. These include:

- statutory duties and government guidance relating to schools, including for safeguarding;
- disclosure requirements for potential future litigation;
- contractual obligations;
- the law of confidentiality and privacy; and
- the General Data Protection Regulations (from May 25th 2018).

These will inform not only retention periods, but also what to keep and who should be able to access it.

On 25th May 2018, the General Data Protection Regulation came into effect across the UK.

Introduction

Reasons to keep certain records, such as child protection records, for many years after pupils or staff leave the school will need to be weighed against personal rights and be supported by a lawful reason. Longer retention of data, particularly special category data will mean that our school will put in place more secure storage systems and protocols in place.

Our school will take steps to ensure its retention policies are communicating the reasons for the policy in privacy notices and staff or parent contracts and are ensuring any records necessary to keep long term are kept very secure, accessible only by trained staff who require this information to perform their official function.

Personal data will be kept for period of time as defined below, with statute for the retention of records being a key factor in many decisions in the length of retaining data. Annual data review schedules will be undertaken to ensure that records no longer required are disposed of appropriately.

1. Archiving and the Disposal or Erasure of Records

All staff will receive basic training in data management – issues such as security, recognising and handling personal data, safeguarding etc. Staff given specific responsibility for the management of records must have specific training and ensure, as a minimum, the following:

- That records – whether electronic or hard copy – are stored securely as above, including if possible with encryption, so that access is available only to authorised persons and the records themselves are available when required;
- That important records, and large or sensitive personal databases, are not taken home or – in respect of digital data – carried or kept on portable devices (whether CDs or data sticks, or mobiles and handheld electronic tablets) unless absolutely necessary, *in which case* it should be subject to a risk assessment and in line with an up-to-date IT acceptable use policy;
- That questions of back-up or migration are likewise approached in line with general school policy (such as professional storage solutions or IT systems) and not individual *ad hoc* action;
- That arrangements with external storage providers – whether physical or electronic (in any form, but most particularly "cloud-based" storage) – are supported by robust contractual arrangements providing for security and access;
- That information storage system will, over time, be enhanced to allow erasure of records to be more efficient and granular over time. This will form part of review processes on a periodic basis;
- That reviews are conducted on a regular basis, in line with the guidance below, to ensure that all information being kept is still relevant and – in the case of personal data – necessary for the purposes for which it is held (and if so, that it is accurate and up-to-date); and
- That all destruction or permanent erasure of records, if undertaken by a third party, is carried out securely – with no risk of the re-use or disclosure, or re-construction, of any records or information contained in them.

This is particularly important in respect of the school's specific legal obligations under the GDPR. However, they amount to common sense rules even where personal data is not directly involved. This is also supported by our acceptable use of ICT policy.

2. Retention Periods

Consideration will be given as to how long each category of record should be kept. In particular, statutory guidance will be taken into account with regard to particular types of record (e.g. Safeguarding information, financial invoices) to ensure that our school is able to have a strong organisational memory that allows us to recall vital information.

The Schedule below is guided by these principles and where there is no statutory guidance is in place the data will be held to support our organisational memory with respect to key decisions, balancing this with the rights of individuals.

In some cases the prompt for disposal may be the end of a calendar year or financial year, meaning that disposal dates will not be exact and the annual cycle of activity will need to be taken into consideration.

Should our school have particular reasons for retaining data beyond the periods laid out in the schedule (e.g. pending court action / ongoing investigation) then periods may be extended, supported by evidence to validate that decision.

3. Recording Information

All staff must be clear, when creating documents and records of any sort (including email), that at some point in the future those documents and records could be disclosed – whether as a result of litigation or investigation, or because of a subject access request under the GDPR. All records must be, amongst other things, be accurate, clear, professional and objective.

4. Secure Disposal of Documents

For confidential, 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.

Paper records should be shredded using a cross-cutting shredder; CDs / DVDs / diskettes should be cut into pieces. Hard-copy images, AV recordings and hard disks should be dismantled and destroyed.

Where third party disposal experts are used they should ideally be supervised but, in any event, under adequate contractual obligations to the school to process and dispose of the information securely.

5. Rules Applicable to Child Protection (CP) Files

Often CP files will comprise personal, special category or sensitive personal data (eg physical or mental health, sexual life or criminal allegations). Recent 'historic' cases in the field of child protection make a cautious approach to record retention advisable and, from a GDPR perspective, make it easier for a school to justify retention for long periods – even the lifetime of former staff and pupils.

- Child protection concerns, disclosures, referrals, etc relating to individual children must be recorded, stored and maintained as described in 'Keeping children safe in education' (DfE 2016) – no child protection / safeguarding information should be recorded in a child's educational records;
- The CP files must be stored in a locked cabinet or – if electronic – in a secure format, with controlled access only to the Designated staff and Head Teacher. If the records need to be viewed by another person (e.g. a member of pastoral staff, inspector, police) a record should be made on the chronology of the date, the identity of the person and the purpose;
- If using an electronic CP recording system, the provider must give assurances that the appropriate security certificates are in place. Staff should not pass cause for concern notifications to the DSL via email but via the designated system;

- Each pupil should have their own file; no "family" files should be kept. The front of the file should include a sheet detailing contact details of those with parental rights, other significant adults in the household, any allocated social worker or other agencies involved, etc. Each file should also include a chronology of key events;
- If a child leaves school to move to another school or an FE college, the CP file should be transferred securely to the new Designated Safeguarding Lead as soon as possible. Ideally this will be by face to face handover; if it is necessary to post the file this should be by secure mail and the new DSL should be notified to expect it. A copy should be retained by the school however, and archived in the manner below;
- When a child leaves the school for any reason, the CP file should be archived in line with the following retention schedule:
 - If the file contains low level concerns that have never led to a referral to partner agencies – retain until the pupil's 25th birthday (or the end of that academic year);
 - If a referral was ever made to children's social care or the child is or has been looked after – review retention of the record to reflect the need for that record based on potential risk to the child;
- In the event that a parent or pupil requests sight of the CP file the school should seek advice from the Head Teacher or Data Protection Officer without delay. Parents do not always have an automatic right to access their child's personal information under a Subject Access Request: if the child is old enough to make the decision (determined to be the age of 13), then it is the child's decision whether his or her parents should exercise the right under data protection law to access his or her personal data.
- Please note that IICSA (Independent Inquiry into Child Sexual Abuse) has issued very strong guidelines on not destroying or deleting files which may be of interest to the Inquiry, whether or not a school has received a letter from IICSA. How a school handles records and concerns raised may be within the scope of the Inquiry, even if there was no major incident. It is expected that the final report produced by IICSA will contain recommendations about recording, retention and storage that may become law but until then a cautious approach to retention is advisable.

TABLE OF RETENTION PERIODS

Type of Record/Document	<u>Suggested</u> ¹ Retention Period
<u>SCHOOL-SPECIFIC RECORDS</u>	
<ul style="list-style-type: none"> • Registration documents of School • Attendance Register • Minutes of Governors' meetings • Annual Curriculum 	<p>Permanent (or until closure of the school)</p> <p>6 years from last date of entry, then archive.</p> <p>6 years from date of meeting</p> <p>From end of year: 3 years (or 1 year for other class records: eg marks / timetables / assignments)</p>
<u>INDIVIDUAL PUPIL RECORDS</u>	
<i>NB – this will generally be personal data</i>	
<p>Admissions:</p> <p>Admission file</p> <p>Admission appeals</p> <p>Attainment:</p> <p>Attainment data, test results</p> <p>Attendance Data:</p> <p>Record of absence</p> <p>Record of exclusion</p> <p>Behaviour Information:</p> <p>General Behaviour incidents</p> <p>Trips and Activities:</p> <p>Trip information, consent and visitor record</p> <p>Financial records from trip</p> <p>Record of major incidents</p>	<p>1 year after pupil leaving school</p> <p>5 years after pupil leaving school</p> <p>5 years after pupil leaving school</p> <p>1 year after pupil leaving school</p> <p>1 year after pupil leaving school (transferred to new setting with transfer file)</p> <p>1 year after pupil leaving school (transferred to new setting with transfer file)</p> <p>Immediately after trip or visit</p> <p>6 years in line with other financial records</p> <p>Until pupil reaches age of 25 (subject to individual case risk assessment)</p>

Medical Information:	
Permission to administer medicine	1 month after end of medication being administered
Medical conditions and ongoing management	1 year after pupil leaving school
Serious medical incidents	Until pupil reaches age of 25 (subject to individual case risk assessment)
Safeguarding records (to be risk assessed individually):	
Safeguarding records with no referrals to other agencies	25 years from date of birth
Safeguarding records referred to other agencies	Minimum 25 years from date of birth then undertake risk review
Safeguarding records of Children that have been looked after	Minimum 25 years from date of birth then undertake risk review
SEN Records:	
Records of Special Educational needs	25 years from date of birth
Other Pupil Information:	
Photographic identifier in Management information System (for identification)	1 year after pupil leaving school
Other photographic information (e.g. for publicity / social media)	In line with specified consent
Name and Address	1 year after pupil leaving school
Pupil characteristic information	1 year after pupil leaving school
Parental contact and status information	1 year after pupil leaving school
Biometric information (catering)	In line with consent (whilst data is actively in use)

<p><u>SAFEGUARDING</u></p> <ul style="list-style-type: none"> • Policies and procedures • DBS disclosure certificates (if held) • Accident / Incident reporting • Child Protection files 	<p>Keep a permanent record of historic policies</p> <p><u>No longer than 6 months</u> from decision on recruitment, unless DBS specifically consulted – but a record of the checks being made must be kept, if not the certificate itself.</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.</p> <p>Low level concerns, no multi-agency act - 25 years from date of birth; for other instances see above</p>
<p><u>FINANCIAL RECORDS</u></p> <ul style="list-style-type: none"> • Accounting records (normally taken to mean records which enable a company's accurate financial position to be ascertained & which give a true and fair view of the company's financial state e.g. invoices / VAT records etc.) • Tax returns • VAT returns • Budget and internal financial reports • Insurance records 	<p>6 years from the end of the financial year in which the transaction took place</p> <p>Minimum – 6 years</p> <p>Minimum – 6 years</p> <p>Minimum – 3 years</p> <p>Minimum – 7 years</p>

<p><u>CONTRACTS AND AGREEMENTS</u></p> <ul style="list-style-type: none"> • Signed or final/concluded agreements (plus any signed or final/concluded variations or amendments) • Deeds (or contracts under seal) 	<p>Minimum – 7 years from completion of contractual obligations or term of agreement, whichever is the later</p> <p>Minimum – 13 years from completion of contractual obligation or term of agreement</p>
<p><u>EMPLOYEE / PERSONNEL RECORDS</u></p> <ul style="list-style-type: none"> • Single Central Record of Employees • Contracts of employment • Employee appraisals or reviews • Staff personnel file • Payroll, salary, maternity pay records • Job application and interview/rejection records (unsuccessful applicants) • Immigration records • Health records relating to employee 	<p><i>NB this will almost certainly be personal data</i></p> <p>Keep a permanent record of all mandatory checks that have been undertaken. For former staff this will be in their employment file, for current staff this will be in the SCR.</p> <p>7 years from effective date of end of contract</p> <p>7 years from effective date of end of contract</p> <p>As above, but do not delete any information which <u>may be relevant to historic safeguarding claims</u>. Allegations of abuse will be kept for 10 years or to retirement age whichever is longer</p> <p>6 years</p> <p>Minimum 3 months but no more than 1 year</p> <p>4 years</p> <p>7 years from effective date of end of contract</p>

<u>ENVIRONMENTAL & HEALTH RECORDS</u>	
<ul style="list-style-type: none"> • Accidents to children 25 years from birth (unless safeguarding incident) 	25 years from birth (additional review for safeguarding incidents)
<ul style="list-style-type: none"> • Accident at work records (staff) 	Minimum – 4 years from date of accident, but review case-by-case
<ul style="list-style-type: none"> • Staff use of hazardous substances 	7 years from end of date of use
<ul style="list-style-type: none"> • Risk assessments 	7 years from completion of relevant project, event or activity.
<ul style="list-style-type: none"> • Asbestos register and plan 	Permanent

Note: all records are subject to review prior to destruction and any records being retained will be accompanied by a documentary justification for additional retention.