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QfL Records Management, Retention and Disposal Policy

1. Policy Statement

- 1.1 Records Management is the process by which Quest for learning (QfL) manages all aspects of any type of 'record' whether internally or externally generated and in any format or media type, from their creation, throughout their lifecycle and to their eventual disposal.
- 1.2 This policy should be read and actioned in accordance with all other QfL policies and notices dealing with information governance –
 - i. Data Protection Policy
 - ii. Homeworking Statement
 - iii. Privacy Notice – Workforce
 - iv. Privacy Notice – Pupils, Parents and Carers
 - v. Online Privacy Notice
 - vi. Cookies Statement

2. Definitions

Term	Definition
The Charity (QfL)	Quest for Learning
Consent	Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data set	A group of identified able data subjects, such as pupils, staff, parents, etc.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body (other than an employee of the data controller), who processes personal data on behalf of the data controller.
Data Protection Legislation	The General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Personal data	Any information relating to an identified, or identifiable individual. This may include the individual's: <ul style="list-style-type: none"> • Name (including initials) • Identification number • Location data • Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.
Subject Access Request (SAR)	A request by an individual to the Charity pursuant to Article 15 of the GDPR.
Suppression List	A register recording the details of data subjects that do not consent to specific information being sent, emailed or copied to them.

3. Relevant Data Protection Principles

3.1 The data protection principles which directly relate to the management, retention and disposal of Personal Data are that the Personal Data must be:

- i. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (Article 5(1)(c) of the GDPR)
- ii. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (Article 5(1)(d) of the GDPR)
- iii. 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 (Article 5(1)(e) of the GDPR)
- iv. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (Article 5(1)(f) of the GDPR)

4. Retention Periods

4.1 In line with Article 5(1)(e) of the GDPR as set out at 3.1 (iii) above, the Charity will not retain Data in an identifiable form for any longer than necessary for the purpose for which it was obtained and in determining an appropriate retention period will take into account the following:

- i. The current and future value of the Data.
- ii. The costs, risks and liabilities associated with retaining the Data in an identifiable form.
- iii. The ease or difficulty in ensuring the Data remains accurate and up-to-date.
- iv. Any applicable statutory limitation periods.
- v. Any relevant guidance documents.

4.2 Default Periods

- i. The default period is the minimum period for which the Charity will retain Data. At the conclusion of the default period, the Charity will review the Data being held and determine whether it can be destroyed in accordance with paragraph 6 below. See - *Appendix A – Data Retention Schedule*.
- ii. The standard default period for retaining Data will be as recommended by the Information Commissioner’s Office and as set out in the Records Management Toolkit for Schools produced by the Records Management Society. This can be found at <http://www.irms.org.uk/resources/informationguides/199-rm-toolkit-for-school>
- iv. The Charity will take into account the matters set out in paragraph 4.3 below in determining whether Data will be retained beyond the default period.

4.3 Exceptions to the Default Period

- i. In the majority of cases Data will be securely disposed of when it reaches the end of the retention period. When assessing whether Data should be retained beyond the retention period the Charity will consider whether:
 - a) The Data is subject to a current request pursuant to the GDPR.
 - b) The Charity is the subject of, or involved in, ongoing legal action to which the Data is or may be relevant.
 - c) The Data is, or could be, needed in connection with an ongoing investigation.
 - d) The Data is processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, and the Charity has put in place appropriate technical and organisational measures.
 - e) There are changes to the regulatory or statutory framework which require the Data to be retained for a longer period.
 - f) The data subject has exercised their right to restrict the processing of the Data in accordance with Article 18 of the GDPR.

5. Storage of Data

Data will be stored in accordance with the policies and notices mentioned in section 1.2 above, these policies have been drawn up in line with guidance provided by the Information Commissioners Office.

6. Disposal of Data

- 6.1 When Data identified for disposal is destroyed, a register of the Data destroyed will be kept.
- 6.2 The destruction of Data is an irreversible act and must be clearly documented. All Data identified for disposal will be destroyed under confidential conditions by the Charity.
- 6.3 The Charity may sub-contract to another organisation its obligations to dispose of Data under confidential conditions.

- 6.4 Where the Charity sub-contracts its obligation to securely dispose of Data to a subcontractor or other third party, the Charity will satisfy itself of the subcontractor/third party's experience and competence to do so.
- 6.5 The decision for the destruction and disposal of Data must be made by nominated member of staff.

7. Manual Records

Where Data is held in paper or other manual form, the default period for retaining Data has expired and none of the exceptions for retaining Data beyond the default period at set out at paragraph 4.3 (i) (a) to (e) is satisfied, the Charity will ensure the Data is shredded or otherwise confidentially disposed of by the Charity or by a person duly authorised by the Charity to confidentially destroy the Data.

Paper data relating to pupils will be stored securely in the Quest for Learning offices following the pupils completion of the programme, and additional copies will be disposed of by shredding.

8. Electronic Records

- 8.1 Where Data is held in an electronic format the Charity or Trust will, where feasible, use its reasonable endeavours to:
 - i. Put the Data beyond use so that the Data is no longer on a live electronic system and cannot be accessed by a Data Processor.
 - ii. Permanently delete the Data from the Charity electronic systems when and where this becomes possible. The Charity will only engage Data Processors that are able to provide sufficient guarantees in relation to the secure disposal of Data.
- 8.2 Where the steps set out at paragraph 8.1 (a) to (d) are complied with, the Charity considers the Data to be 'put beyond use' and this Data will not be used in order to respond to a Subject Access Request.

9. Monitoring and Review

This policy will be reviewed by the nominated person responsible for data protection in the Charity every 4 years or earlier if required and may be subject to change.

Contact

If you would like to discuss anything in this policy, please contact:

The Administrator, Quest for Learning, Aureus School Buildings, Candytuft Way, Harwell, Didcot, Oxfordshire, OX11 6FF, 01235 313713, info@questforlearning.org.uk

This policy was last updated: 9 September 2020

Appendix A
Records Retention Schedule

Record Type	Legislation/Reasons for Retention	Requirement
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
Member/trustee/director/governor minutes of meetings and written resolutions	Companies Act 2006 Charities Act 2011	Permanent. Retain one signed master copy, together with one copy of any related agenda
Confidential minutes of Member/trustee/director/ meetings	Data Protection regulation Companies Act 2006 Charities Act 2011	Permanent, but consider possible data protection issues, redact if necessary, and retain one signed master copy and any related agenda
Documents of clear historical/ archival significance	Data Protection regulation	Permanent if relevant data protection regulation provisions are met.
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 requirement
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
Pension scheme and member records	The Pensions Regulator	6 years from the automatic enrolment staging date
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	Single Central Record Requirements under Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014	DBS Code of Practice permits them to retain the following details: the date of issue of the certificate; the name of the subject; the type of certificate requested; the position for which the certificate was requested; the unique reference.

		If copy is kept, not to be retained beyond 6 months
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Volunteer records		Assessment required to decide on retention period taking account of risk (e.g. safeguarding re: work with children)
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Insurance		
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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		
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General records	Limitation Act 1970	Minimum 3 years
Records re: work with hazardous substances	Control of Hazardous Substances to Health Regulations 2002	
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		
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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

Pupils		
Children's records – including reports, assessment data etc.	Pupil information Regulations 2005 Data Protection regulation	25 years from the date of birth of the pupil.
Teaching notes and records – paper and electronic.		To be destroyed by burning or shredding when child has completed programme and final reports have been submitted.
Child Protection information	<p>“Keeping children safe in education Statutory guidance for schools and colleges September 2016”;</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>Subject to moratorium on destruction due to historic child abuse enquiry. See https://www.iicsa.org.uk/document/guidance-note-retentioninstructions-and-dataprotection-requirements</p>
Photographs, video recordings	In accordance with the Data Protection Act/GDPR (2018) – specific permission will be sought and recorded for any instances where photographs of children are taken.	For the time and purpose specified when permission sought.