

# St Joseph's Catholic Primary School, Malmesbury

## GDPR Information and Records Retention Policy



*“Walking in the footsteps of Jesus, loving and serving together”*

### Introduction

This policy sets out a structured approach to reviewing and destroying records in relation to St Joseph's Catholic Primary School.

- 1 The retention period for each type of record is shown in the table below. In addition, data protection legislation makes it unlawful to keep the information when it is no longer needed for the purpose for which it is held. This requirement is uncertain and allows discretion and may vary according to the circumstances, but in practice it means that the School should promptly destroy the record once the retention period in the table below has been reached. Occasionally there may be special circumstances which mean that a record should be kept for longer (for example where there is a risk of litigation or a request from an outside body such as the Independent Inquiry into Child Sexual Abuse (IICSA) see below). The School should refer to its insurance policies and further legal advice should be sought in these circumstances.
- 2 The retention periods stated in the table below are the minimum storage requirements, in practice the School carries out a data cleanse of its files every 3 months. Accordingly, a 3 year retention period means 3 years plus up to 3 months to allow the School to securely dispose of the information.
- 3 Information must be securely deleted. This applies to paper records, electronic information and biometric information.
- 4 This policy does not apply to records connected with commercial activities.
- 5 The School will discuss document retention with its insurers (who may specify longer retention periods). If there is any conflict then any longer retention periods specified by the insurers should prevail.
- 6 If an email falls into one of the categories set out in the table then it should be filed centrally as soon as is reasonable.
- 7 "Routine" emails which do not fall into any of the categories in the table may be kept in inboxes for up to six months and should then be deleted. An examples of a routine email is an internal email advising staff that the weekly meeting is cancelled.
- 8 Independent Inquiry into Child Sexual Abuse (**IICSA**):
  - 8.1 The IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. In light of this, the School will temporarily cease the routine destruction of those records which might be relevant to the Inquiry in case they are requested by the Inquiry or made subject to a disclosure order. This means that before destroying **any** document the School should consider if it contains information that may fall within the Inquiry's remit.

- 8.2 The range of documentation which might need to be kept is wide. It will include any information linked to alleged or established child sexual abuse, whether by staff, volunteers or pupils with no limitation date. For example, a list of pupils who attended an overnight school trip or admission registers which show which pupils were at the School at a given time. As such, documents should be kept for longer than the retention periods listed in the policy if they concern information which might be relevant to the Inquiry. The School should therefore review the retention periods under **each** of the rows below in case they are relevant to IICSA.
- 8.3 Please note that the School will keep this under review so that it recommences document destruction at the appropriate time.

### **Arrangements for monitoring, evaluation and review**

<b>Responsible committee for monitoring &amp; evaluation:</b>	Resources Committee
<b>Policy reviewed by:</b>	Resources Committee
<b>Policy review &amp; approval date:</b>	March 2021
<b>Next review date:</b>	March 2021

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
1	<b>Pupils</b>			
1.1	Admission registers	Three years from the date of the last entry	Transfer to the archives and shred or delete copies and back-ups *	Yes
1.2	Attendance registers	Three years from the date of the last entry	Review for further retention in the case of contentious dispute SHRED/DELETE including back-ups and copies *	Yes
1.3	Child protection records	Up to 7 years whilst child is on roll in school	<p>Review for further retention in the case of contentious dispute otherwise transfer file to receiving school</p> <p><b>Notes</b></p> <p>9 Child protection information must be copied and sent under separate cover to the new school whilst the child is still under 18. Schools should ensure secure transit and confirmation of receipt should be obtained</p> <p>10 Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority (<b>LA</b>)</p> <p>11 In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. 50 years from the date of birth of the</p>	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
			pupil involved should be a sufficient period of retention but this should be kept under review	
1.4	Biometric information (e.g. fingerprints to be used as part of an automated biometric recognition system)	N/A	N/A	No
1.5	Medical records held by the School	Up to 7 years whilst the child is on roll in this school.	Review for further retention in the case of contentious disputes otherwise transfer to receiving school SHRED/DELETE	No
1.6	Counselling records held by the School	Up to 7 years whilst child is on roll in school	Review for further retention in the case of contentious disputes otherwise transfer to receiving school SHRED/DELETE	No
<b>2</b>	<b>Pupil files</b>			
2.1	Pupil files (including public examination scripts, marks & results)	Electronic test results - Up to 7 years whilst child is on roll in school	Review for further retention in the case of contentious disputes, for example, parental complaints, disciplinary matters, pupil exclusions, bullying incidents and subject access requests otherwise transfer hard copy file to parent/guardian * SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
2.2	Internal testing scripts, marks and results	Termly – kept to end of following term Yearly – end of following year	Keep for longer in accordance with the retention periods and guidance set out in row 2.1 above if risk of contentious disputes, for example, parental complaints, disciplinary matter, pupil exclusions, bullying incidents and subject access requests.	
2.3	Special Educational Needs files, reviews and Individual Education Plans	Up to 7 years whilst child is on roll in school	Hard copy file transferred to receiving school *	No
2.4	Statement of Special Education Needs ( <b>SEN</b> ) and Education Healthcare ( <b>EHC</b> ) Plans	Statements of SEN (including appendices) and EHC Plans will never be retained once the pupil has left the School	SHRED/DELETE unless legal action pending The Statement / Plan belongs to the LA which makes and maintains the Statement / Plan Transfer to receiving school	Yes
2.5	Letters authorising absence	Up to 7 years whilst the child is on roll in this school	SHRED/DELETE	No
<b>3</b>	<b>Permissions</b>			
3.1	Parental permission slips for school trips – where there has been no major	Within 2 weeks of the conclusion of the trip	Transfer within hard copy file to parent/guardian  Review for further retention in the case of contentious disputes otherwise SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	incident, accident, injury or near miss involving anyone on the trip			
3.2	Parental permission slips for school trips – where there has been a major incident, accident, injury or near miss involving anyone on the trip	DOB of the pupil involved in the incident + 21 years; or Six years from the date of the incident. Whichever is the longer The permission slips for all pupils involved on the trip will need to be retained.	Review for further retention in the case of relevance to contentious disputes. SHRED/DELETE	No
<b>4</b>	<b>Admission department</b>			
4.1	Admission documents including enrolment forms	Up to 7 years, whilst the child is no roll at this school.	Transfer within hard copy file to parent/guardian Review for further retention in the case of contentious disputes SHRED/DELETE	No
4.2	Admissions documents relating to applicants who did not join the School	One year (subject to requirements for admission appeal). The documents can be kept for as long as the School considers that they are required, subject to the School's obligation not to keep the documents for longer than is necessary	Review for further retention in the case of dispute SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
4.3	Documents relating to admission appeal proceedings	At least two years	Review for further retention in the case of relevance to contentious disputes.  SHRED / DELETE	Yes
5	<b>Employment</b>			
5.1	Employment or personnel records including contracts of employment, changes to terms and condition, disciplinary matters, grievance procedures	For at least six years after date of termination of employment	If on a date no earlier than six years after the termination date there has been no recent contact from the relevant individual and no apparent breach of contract claim, dispose securely of documentation unless any child protection concerns. Records of anyone with child protection concerns (even if not proved) should be retained	No
5.2	Single central register (SCR)	There is no legal requirement to keep the SCR entry for staff who have left as it ceases to be relevant for inspection purposes. St Joseph's will move the entry on to an archive register. Should the School be notified of a historic abuse claim or should a former member of staff commit offences elsewhere the School will be able to demonstrate that it carried out all required checks prior to work starting, when they were carried and out and by whom.	Review whether further retention is necessary. If so, these reasons must be documented. If not SHRED/DELETE *	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
		This information could also be requested in relation to the IICSA. As a consequence best advice is to retain the SCR entry for each former member of staff indefinitely either on an archive SCR or within the personnel file.		
5.3	Records and documents relating to membership of and contributions to the Teachers' Pension Scheme	For at least 6 years after termination of employment	Review whether further retention is necessary. Decisions in relation to the Teachers' Pension Scheme may have ramifications beyond six years, and may be queried at any time by members and the Teachers' Pension Scheme. *	No
5.4	Employment references received and references provided (where no safeguarding concerns have arisen or are known)	While employment continues and at least up to six years after employment terminates	Keep for so long as a reference may be required in future - potentially up until the employee's normal retirement age If none, SHRED/DELETE	No
5.5	Employment reference where an individual's employment ended for a	At least for 10 years after the person has retired or until the individual reaches the age of 75, whichever is the later	Consideration given to any recent reference requests for the relevant individual or new concerns raised by social services or other agencies If none, SHRED/DELETE	Yes



	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	safeguarding reason or where safeguarding was outstanding at the time of termination			
5.6	Working time opt-out forms	Two years from the date on which they were entered into	SHRED/DELETE	Yes
5.7	Records to show compliance with the Working Time Regulations	Two years after the relevant period	SHRED/DELETE	Yes
5.8	Payroll and wage records  These include records of: <ul style="list-style-type: none"> <li>•Details on overtime.</li> <li>•Bonuses.</li> <li>•Expenses.</li> <li>•Benefits in kind.</li> </ul>	Six years from the financial year end in which payments are made	SHRED/DELETE	Yes
5.9	PAYE Records	Three years in addition to the current year (however we will keep them for six years as they may fall within the	SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
		definition of payroll and wage records).		
5.10	<p>Maternity/paternity records</p> <p>These include:</p> <ul style="list-style-type: none"> <li>•Records regarding Maternity payments made save for where those include payroll records.</li> <li>•Maternity certificates showing the expected week of confinement</li> </ul>	Three years after the end of the tax year in which the maternity pay period ends except where the maternity influences payroll which will be shredded after 6 years	SHRED/DELETE	Yes
5.11	Sickness records required for the purposes of Statutory Sick Pay ( <b>SSP</b> )	During employment and for a period of three years after employment has ended	SHRED/DELETE	Yes
5.12	Records in relation to hours worked and payments made to workers	For a period of six years beginning with the last day of the following month to which the records relate as records will be linked to payroll	SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
5.13	Consents for the processing of personal data and sensitive personal data (known as special category personal data under the GDPR)	For as long as the data is being processed and up to six years afterwards	SHRED/DELETE	Yes
5.14	Disclosure and Barring Service ( <b>DBS</b> ) checks and disclosures of criminal record forms	Disposed of securely after the recruitment process unless assessed as relevant to ongoing employment relationship. Once the conviction is spent, should be deleted unless it is an excluded profession.	Enter DBS certificate number, date, initials on Single Central Register SHRED/DELETE	Yes
5.15	Immigration checks	Throughout employment and then retained for two years after the termination of employment	SHRED/DELETE	Yes
5.16	Recruitment records of unsuccessful candidates	Six months after notifying unsuccessful candidates	SHRED/DELETE	No
5.17	Personnel and training records	Whilst employment continues and up to six years after employment ceases	SHRED/DELETE	No
5.18	Annual leave	N/A – school dictated leave	n/a	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	records			
5.19	Collective / workforce agreements	N/A	N/A	No
5.20	Works Council minutes	N/A	N/A	No
5.21	An Employee's bank details	Until last payment made	SHRED/DELETE	No
5.22	Records of advances for season tickets and loans to employees	N/A	N/A	No
5.23	Death Benefit Nomination and Revocation Forms	Whilst employment continues and up to six years after payment of benefit	SHRED/DELETE	No
<b>6</b>	<b>Health and safety information - employees</b>			
6.1	Reportable injuries, diseases and dangerous occurrences	Three years from the date of record If disease - indefinitely (recommended)	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	(RIDDOR) reports			
6.2	First aid / accident book entry	Three years from the date of injury or last record in the book If disease - indefinitely	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
6.3	Records of maintenance, examination and test control measures relating to substances hazardous to health under the Control of Substances Hazardous to Health (COSHH) regime	N/A – Outsourced cleaning contract	Absolutely Cleaning Company responsible	Yes
6.4	Health records for licensable asbestos work	At least 40 years from the date of the last entry	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.5	Medical surveillance certificate for licensable asbestos work	At least four years from the date it was issued	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
6.6	Records of air monitoring for asbestos	Where a health record is required at least 40 years from the date of the last entry  In other cases at least five years from the date of the last entry		Yes
6.7	Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos Regulations 2012 (CAR)	N/A	N/A	Yes
6.8	Examination / report of defect for power presses	N/A	N/A	Yes
6.9	Records of water monitoring, inspection, testing, checks and control measures for	N/A	N/A – school has no header tanks. Rising main use only	Yes

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	legionellosis			
<b>7</b>	<b>Health and safety information - pupils</b>			
7.1	Accident reports including first aid / accident book	Up to 7 years while pupil still on our roll	Hard copy document included in pupil file given to parent/guardian at end of schooling at St Josephs	No
7.2	Reportable injuries, diseases and dangerous occurrences ( <b>RIDDOR</b> ) reports.	3 years minimum but the record will be kept for DOB of the pupil involved in the incident.	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
7.3	Incident investigations and reports, risk assessments and other relevant documents where there has been an accident or incident	Up to 7 years while pupil still on our school roll	Hard copy document included in pupil file given to parent/guardian at end of schooling at St Josephs.  Review for further retention in the case of enforcement action or civil claims for personal injury SHRED/DELETE	No
<b>8</b>	<b>Generic health and safety records</b>			
8.1	Risk assessments, records of health and safety arrangements,	These will be kept for as long as they remain relevant – and reviewed yearly	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	<p>copies of policies and procedures</p> <p>General records of health and safety auditing and monitoring including fire risk assessments, electrical testing, PAT testing and gas appliance testing</p> <p>Training records.</p> <p>Maintenance logs and / or records of plant and / or equipment plus safety manuals / notices / instructions</p> <p>Records of emergency evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements</p>			



	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
8.2	Copies of documents, including health and safety files, prepared pursuant to the Construction (Design and Management) Regulations 2015	Indefinitely - records should be retained as long as is reasonably necessary to inform on future construction projects at the School site	SHRED/DELETE	N/A
9	<b>Insurance</b>			
9.1	Insurance certificates and schedules of cover	Indefinitely	N/A	No
9.2	Correspondence with insurers related to specific accidents or incidents	<p>Three years generally</p> <p>If the incident involved a pupil - DOB of the pupil involved in the incident + 21 years; or</p> <p>Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident</p> <p>Disease claims or where there have been allegations of abuse - indefinitely</p>	<p>Review for further retention in the case of civil claims for disease or personal injury</p> <p>SHRED/DELETE</p>	No

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
10	<b>Investigations, reviews and inquiries</b>			
10.1	Documents relevant to IICSA	Indefinitely	Review once the Inquiry has been completed.	No - unless the school has received a formal notice from IICSA
10.2	<p>Internal reports and investigations into accidents / incidents</p> <p>Copies of reports submitted to external agencies / regulators such as Ofsted, Health and Safety Executive, Local Authority, Education and Skills Funding Agency etc</p> <p>External reports, reviews, investigations and inquiries for example inquests and public inquiries</p>	<p>Up to 7 years whilst the pupils still on our roll</p> <p>Where the investigation / inquiry / report has been necessitated as a result of a specific incident, we will keep these documents centrally for at least three years where there is a risk of enforcement action and / or criminal prosecution and / or a civil claim. Where this relates to pupil (DOB +21 years); or</p>	<p>Hard copy report given to parent/guardian in pupil file at end of schooling at St Josephs</p> <p>Evidence may be kept for longer if needed</p>	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
<b>11</b>	<b>Alumni records</b>			
11.1	N/A	N/A	N/A	No
11.2	N/A	N/A	N/A	No
<b>12</b>	<b>Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes</b>			
12.1	Records which do not contain personal data, for example, old photographs of School buildings, title deeds etc	Can be kept indefinitely	N/A	No
12.2	Records relating to a number of pupils, or the School generally, such as old class photographs, lists of pupils attending the School in any given year, School prospectuses, newspaper cuttings etc	Can be kept indefinitely	N/A	No
12.3	Records	Can be kept indefinitely subject to the	N/A	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
	concerning specific pupils kept for a valid reason. For example, a poem written by an exceptionally gifted pupil.	<p>comments below.</p> <p>For example, for historical research purposes such as if the School wished to retain the essays written by pupils which were submitted to an essay competition about growing up in the 2010s. This will usually be permissible but further legal advice will be sought.</p> <p>The GDPR places additional obligations on organisations in respect of the safeguards which must be put in place for personal data kept for archiving, research and statistical purposes. For example, the School may be required to anonymise any data held, unless, the anonymisation process would defeat the purpose for</p>		
<b>13</b>	<b>CCTV, videos and photographs</b>			
13.1	CCTV footage	6 months	Digital data deleted.	No

	<b>Record</b>	<b>Retention period</b>	<b>Action at the end of the retention period</b>	<b>Retention period required by law?</b>
13.2	Photographs of pupils for internal administration purposes.	These photographs should be retained for as long as they are required for the purpose for which they were taken.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No
13.3	Photographs or videos of pupils taken for marketing reasons e.g. photographs for use in the School prospectus or a video of pupils on the School's website	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.  If the School would like to retain the images for historical reasons please see the comments at 12.3 above.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No
13.4	Photographs of pupils used as part of the curriculum e.g. a video of a drama lesson/ performance or as part of an art project	These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.  If the School wants to retain the images for historical reasons please see the comments at 12.3 above.	SHRED/DELETE Review for further retention in the case of relevance to contentious disputes.	No

This policy is a working document and will be open to change as required