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Summerhill School

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Data Retention Policy

Information Governance (IG) Services.

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Data Retention Policy for Summerhill School

Legal Obligations

Article 5 of the 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 GDPR subject to implementation of the appropriate technical and organisational measures required by the applied 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 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 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 Summerhill 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) Its 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

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 Summerhill School 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

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 Summerhill 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 Summerhill School is compliant with Data Protection Law and recognises the duty of confidentiality.

Summerhill 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.

Summerhill School confirm that our approach and procedures comply with the laws and provisions made in the General Data Protection Regulation (GDPR) and that staff are trained and advised accordingly on the procedures and controls in place.

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, Summerhill 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

APPENDIX 1.0: Data Retention Schedule

| Document | Content | Retention Period | Disposal | Information Asset Owner | Good Practice |
|---|---|---|---|-------------------------|---|
| SHORT TERM RETENTION PERIOD | | | | | |
| Information Society Services app, e.g. Purple Mash, Tapestry, etc | <ul style="list-style-type: none"> ▪ Name of pupil ▪ Class | For the duration of the pupil's time at school | Deleted electronically by the Data Controller | Headteacher | Data Controller to consider the lawful basis for retaining beyond this period |
| Parental consent forms for School Trips (no major incident) | <ul style="list-style-type: none"> ▪ 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 | Business Manager | DfE Data Protection Toolkit for Schools |
| Staff Pre-employment vetting information | <ul style="list-style-type: none"> ▪ DBS Checks | The school does not have to keep copies of DBS certificates. If school does so copy must NOT be retained for more than 6 months | Secure disposal by the Data Controller | Business Manager | IRMS Toolkit for Schools |
| Staff Recruitment and Selection | <ul style="list-style-type: none"> ▪ 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 | Business Manager | IRMS Toolkit for Schools |
| Unsuccessful candidates | <ul style="list-style-type: none"> ▪ Application forms ▪ Interview notes | 6 months to 1 year | Secure disposal by the Data Controller | Business Manager | Chartered Institute of Personnel and Development |
| Text/Communication app between parents & schools | <ul style="list-style-type: none"> ▪ Name and contact details of those with parental responsibility | For the duration of the pupil's time at school | Deleted electronically by Data Controller | Headteacher | 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 | <ul style="list-style-type: none"> Contains information relating to individuals | Adults and Children - Accident Book + 3 years after last entry <i>(i.e. if it takes 5 years to complete book must be retained for a further 3 years)</i> | Secure disposal by the Data Controller | Business Manager (Lead First Aider) | IRMS Toolkit for Schools |
| Admissions files (successful) | <ul style="list-style-type: none"> 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 | Headteacher | DfE Data Protection Toolkit for Schools |
| Admissions files (unsuccessful) | <ul style="list-style-type: none"> Pupil data | Resolution of case + 1 year | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Biometric Fingerprint | <ul style="list-style-type: none"> Pupil data | For the duration of the pupil's time at school | Secure disposal by the Data Controller | Headteacher | Data Controller to consider the lawful basis for retaining beyond this period |
| Board of Governors | <ul style="list-style-type: none"> 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 | Chair of Governors | IRMS Toolkit for Schools |
| Board of Governors Action Plans and Policy Documents | <ul style="list-style-type: none"> Action Plans & policy documents created and administered by Governing Body | Until superseded | | Chair of Governors | IRMS Toolkit for Schools |
| Board of Governors Records relating to complaints | <ul style="list-style-type: none"> Meeting notes Reports | Date of resolution + 6 years then review | Secure disposal by the Data Controller | Chair of Governors | IRMS Toolkit for Schools |

| Document | Content | Retention Period | Disposal | Information Asset Owner | Good Practice |
|--|---|--|--|-------------------------|---|
| MEDIUM TERM RETENTION PERIOD | | | | | |
| Evidence of Right to Work (Home Office) | <ul style="list-style-type: none"> 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 | Business Manager | DfE Data Protection Toolkit for Schools |
| Free School Meals Registers | <ul style="list-style-type: none"> Pupil information (where registers are used as a basis for funding) | Current year + 6 years | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Minutes of Senior Leadership Team & meetings of other internal | <ul style="list-style-type: none"> 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 | Headteacher | IRMS Toolkit for Schools |
| Ofsted Reports and papers | | Life of report and then review | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Photo Consent Forms | <ul style="list-style-type: none"> Name of parental responsibility Signature | For the duration of the pupil's time at school | Secure disposal by the Data Controller | Headteacher | Data Controller to consider the lawful basis for retaining beyond this period |
| Property Files | <ul style="list-style-type: none"> Maintenance logs Work carried out by contractors | These should be retained by the school whilst the 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 | Business Manager | IRMS Toolkit for Schools |
| Pupil Premium Fund Records | <ul style="list-style-type: none"> Pupil premium fund details | Date pupil leaves + 6 years | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Records relating to any reportable death, injury, disease or dangerous occurrence (RIDDOR) | <ul style="list-style-type: none"> Reporting of injuries, diseases and dangerous occurrences | Date of Incident + 3 years provided that all records relating to the incident are held on personnel file | Secure disposal by the Data Controller | Headteacher | DfE Data Protection Toolkit for Schools |

| Document | Content | Retention Period | Disposal | Information Asset Owner | Good Practice |
|--|--|---|---|-------------------------|--------------------------|
| MEDIUM TERM RETENTION PERIOD | | | | | |
| Returns made to central government | | Current year + 6 years | Deleted electronically by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| School Census Returns | | Current year + 5 years | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Schools Meals Registers | <ul style="list-style-type: none"> ▪ Pupil information | Current year + 3 years | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Staff Absence and Attendance | <ul style="list-style-type: none"> ▪ Annual leave record ▪ Absence record ▪ Sickness record | Current year + 3 years | Secure disposal by the Data Controller | Business Manager | IRMS Toolkit for Schools |
| Staff Development Plans | <ul style="list-style-type: none"> ▪ Courses and training | Life of the Plan + 6 years | Secure disposal by the Data Controller | Line management | IRMS Toolkit for Schools |
| Staff Discipline and Grievance | <ul style="list-style-type: none"> ▪ 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 | Business Manager | IRMS Toolkit for Schools |
| Staff Payslips | <ul style="list-style-type: none"> ▪ Copies | Current + 6 years | Secure disposal by the Data Controller | N/A | IRMS Toolkit for Schools |
| Staff Performance Assessment (annual appraisal/assessment records) | <ul style="list-style-type: none"> ▪ Personal Development Record ▪ Promotion/regrading | Current + 6 years | Secure disposal by the Data Controller | Line Management | IRMS Toolkit for Schools |
| Staff Personnel Files | <ul style="list-style-type: none"> ▪ Personal and sensitive data | Termination of employment + 6 years | Secure disposal by the Data Controller | Business Manager | IRMS Toolkit for Schools |

| Document | Content | Retention Period | Disposal | Information Asset Owner | Good Practice |
|-------------------------------------|--|---|--|-------------------------|---|
| MEDIUM TERM RETENTION PERIOD | | | | | |
| Staff pre-employment vetting | <ul style="list-style-type: none"> Home Office checks | Home Office records kept for termination of Employment + not less than 2 years | Secure disposal by the Data Controller | Business Manager | IRMS Toolkit for Schools |
| Staff Timesheets | <ul style="list-style-type: none"> Record of staff onsite (logging in and out) | Current + 3 years | Secure disposal by the Data Controller | N/A | IRMS Toolkit for Schools |
| Student Attendance Registers | <ul style="list-style-type: none"> Pupil attendance information | Date of last entry + 3 years | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Student Behaviour | | Pupil at school + 1 year | Secure disposal by the Data Controller | Headteacher | DfE Data Protection Toolkit for Schools |
| Student Books | <ul style="list-style-type: none"> 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 | Headteacher | IRMS Toolkit for Schools |
| Student Exclusions | | Pupil at school + 1 year. Exclusion data should be 'passed on' to subsequent settings. The school then has the responsibility for retaining the full history of the child. The school should already ensure that the LA has the exclusion data | Secure disposal by the Data Controller | Headteacher | DfE Data Protection Toolkit for Schools |
| Visitor Books and signing in sheets | <ul style="list-style-type: none"> 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 | Business Manager | IRMS Toolkit for Schools |

| Document | Content | Retention Period | Disposal | Information Asset Owner | Good Practice |
|--|---|--|---|------------------------------------|--|
| LONG TERM RETENTION PERIOD | | | | | |
| Children Safeguarding Files | <ul style="list-style-type: none"> 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 (<i>in consultation with Safeguarding Children Group</i>) |
| CPOMS | <ul style="list-style-type: none"> 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 (<i>in consultation with Safeguarding Children Group</i>) |
| Parental consent forms for School Trips (major incident) | <ul style="list-style-type: none"> 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 | Business Manager | DfE Data Protection Toolkit for Schools |
| SATS Results | <ul style="list-style-type: none"> 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 | Headteacher | IRMS Toolkit for Schools |

| Document | Content | Retention Period | Disposal | Information Asset Owner | Good Practice |
|---|--|---|---|------------------------------------|---|
| Special Educational Needs (SEN) Records | <ul style="list-style-type: none"> ▪ 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 | <ul style="list-style-type: none"> ▪ 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 | Business Manager | Statutory guidance issued by UK Border Agency |
| Students Educational Record (Education Pupil Information Regulations 2005) Primary School | <ul style="list-style-type: none"> ▪ 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 period | Headteacher | IRMS Toolkit for Schools |
| Students Educational Record (Education Pupil Information Regulations 2005) | <ul style="list-style-type: none"> ▪ 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 | Headteacher | 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) | <ul style="list-style-type: none"> Pupil data | Resolution of case + 1 year | Secure disposal by the Data Controller | Headteacher | 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 | <ul style="list-style-type: none"> Pupil information | Retained from DOB of the child + 25 years – applicable to secondary pupils and special school pupils | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
| Children Safeguarding Files | <ul style="list-style-type: none"> 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) | <ul style="list-style-type: none"> ▪ Contains information relating to the student ▪ | Part of the Student Education Record. DOB + 25 years | Secure disposal by the Data Controller | Headteacher | IRMS Toolkit for Schools |
|------------------------------------|---|--|--|-------------|--------------------------|

Staff Records

Retain for 6 years after their leave date.

| Document | Content | Retention Period | Disposal | Information Asset Owner | Good Practice |
|------------------------------|--|-------------------------------------|--|-------------------------|--------------------------|
| Staff Personnel Files | <ul style="list-style-type: none"> ▪ Personal and sensitive data | Termination of employment + 6 years | Secure disposal by the Data Controller | Business Manager | IRMS Toolkit for Schools |
| Staff Absence and Attendance | <ul style="list-style-type: none"> ▪ Annual leave records ▪ Maternity/paternity/special leave/academic leave | Termination of employment + 6 years | Secure disposal by the Data Controller | Business Manager | 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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