



## LALEHAM LEA SCHOOL DOCUMENT RETENTION POLICY

### Guiding Principles

- All records held by Laleham Lea School are to be justifiable, by reference to its purpose
- The school must be transparent and accountable as to what it holds and understand why
- Laleham Lea must be prepared to respond more quickly to subject access requests
- Laleham Lea must be able to amend, delete or transfer data promptly upon any justified request
- Personal data collected should be auditable as far as possible; and
- Personal data must be held securely and accessed only by those with reason to view it.

### Child protection and document retention

Data protection issues should never put child safety at risk, nor take precedence over the general prevention and processing of safeguarding claims. Laleham Lea will not embark on a policy of deleting historic staff and pupil files, or any material potentially relevant for future cases, even if it has been held for long periods already.

Lifetime retention of adequate and accurate records where they are of potential relevance to historic cases will be adhered to.

Sensitive personal data of employees or pupils, including allegations of a sexual or criminal nature (whether proven or not), or details as to physical or mental health, will be kept securely and shared or accessible only on a need-to-know basis. Where a competent authority requests such information, there is likely to be an obligation to cooperate: but Laleham Lea may seek legal advice.

Laleham Lea will generally seek to balance the benefits of keeping detailed and complete records – for the purposes of good practice, archives or general reference – with practical considerations of storage, space and accessibility and the following legal considerations in respect of retention of records and documents will 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 (last but by no means least relevant)
- the General Data Protection Regulations (“GDPR”).

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

### 1. Meaning of "Record"

In this policy, "record" means any document or item of data which contains evidence or information relating to the school, its staff or pupils. Some of this material, but not all, will contain personal data of individuals as defined in the GDP Regulations.

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. The format of the record is less important than its contents and the purpose for keeping it.

### Digital records

Access to sensitive data – or any large quantity of data is password-protected and held on a limited number of devices only, with passwords provided on a need-to-know basis and regularly changed.

Emails (whether they are retained electronically or printed out as part of a paper file) are also "records" and may be particularly important: whether as disclosable documents in any litigation, or as representing personal data of the sender (or subject) for data protection/data privacy purposes. Again, however, the format is secondary to the content and the purpose of keeping the document as a record.

A digital document's original metadata may indicate the date of its creation, its author or the history of its changes: so this information is preserved.

### Paper Records

Paper records are kept in good conditions (i.e. dry, cool, reasonable ventilation, no direct sunlight) and their security is also vital – especially if the materials contain legally or financially sensitive data, as well as data personal to individuals.

## **2. "Personal Data"**

As a general rule, statutory legal duties – or the duty to report to safeguard vital interests – will 'trump' data protection concerns in the event of any contradiction. Certain personal data may legitimately be retained or disclosed subject to a private contractual duty (eg under a parent contract).

A higher standard will apply to the processing of "*sensitive* personal data". By way of example a contractual duty, or other legitimate interest of the school or third party, would not of itself justify the retention or sharing of sensitive personal data – but 'protection of vital interests' might. Sensitive personal data includes data relating to an individual in respect of their health, race, religion, sexual life, trade union membership, politics or any criminal proceedings, offences or allegations.

## **3. Archiving and the destruction or erasure of Records**

All staff receive basic training in data management – issues such as security, recognising and handling sensitive 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 and (where necessary) searchable;

- 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 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 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.

#### **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 are not 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.

## TABLE OF SUGGESTED RETENTION PERIODS

Type of Record/Document	<u>Suggested</u> <sup>1</sup> Retention Period
<p><b><u>SCHOOL-SPECIFIC RECORDS</u></b></p> <ul style="list-style-type: none"> <li>• Registration documents of School</li> <li>• Attendance Register</li> <li>• Minutes of Governors' meetings</li> <li>• Annual curriculum</li> </ul>	<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: e.g. marks / timetables / assignments)</p>
<p><b><u>INDIVIDUAL PUPIL RECORDS</u></b></p> <ul style="list-style-type: none"> <li>• Admissions: application forms, assessments, records of decisions</li> <li>• Examination results (external or internal)</li> <li>• Pupil file including:               <ul style="list-style-type: none"> <li>o Pupil reports</li> <li>o Pupil performance records</li> <li>o Pupil medical records</li> </ul> </li> <li>• Special educational needs records (<i>to be risk assessed individually</i>)</li> </ul>	<p><b><i>NB – this will generally be personal data</i></b></p> <p>25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision).</p> <p>7 years from pupil leaving school</p> <p>ALL: 25 years from date of birth (subject where relevant to safeguarding considerations). Any material which may be relevant to potential claims should be kept for the lifetime of the pupil.</p> <p>Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period)</p>

<p><u>SAFEGUARDING</u></p> <ul style="list-style-type: none"> <li>• Policies and procedures</li> <li>• DBS disclosure certificates (if held)</li> <li>• Accident / Incident reporting</li> <li>• Child Protection files</li> </ul>	<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.<sup>2</sup></p> <p>If a referral has been made / social care has been involved or child has been subject of a multi-agency plan – indefinitely.</p> <p>If low level concerns, with no multi-agency act – apply applicable school low-level concerns policy rationale (this may be 25 years from date of birth OR indefinitely).</p>
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<p><u>CORPORATE RECORDS (where applicable)</u></p> <ul style="list-style-type: none"> <li>• Certificates of Incorporation</li> <li>• Minutes, Notes and Resolutions of Boards or Management Meetings</li> <li>• Trustee resolutions</li> <li>• Register of Members/Shareholders</li> <li>• Annual reports</li> </ul>	<p>Permanent (or until dissolution of the company)</p> <p>Minimum – 10 years</p> <p>Minimum – 10 years</p> <p>Permanent (minimum 10 years for ex-members/shareholders)</p> <p>Minimum – 6 years</p>
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<p><u>ACCOUNTING RECORDS</u></p> <ul style="list-style-type: none"> <li>• Accounting records (<i>records which enable a company's accurate financial position to be ascertained &amp; which give a true and fair view of the company's financial state</i>)</li> </ul>	<p>Minimum – 6 years for UK charities (and public companies) from the end of the financial year in which the transaction took place</p>
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<ul style="list-style-type: none"> <li>• Tax returns</li> <li>• VAT returns</li> <li>• Budget and internal financial reports</li> </ul>	<p>Minimum – 6 years</p> <p>Minimum – 6 years</p> <p>Minimum – 3 years</p>
<b><u>CONTRACTS AND AGREEMENTS</u></b>	
<ul style="list-style-type: none"> <li>• Signed or final/concluded agreements (<i>plus any signed or final/concluded variations or amendments</i>)</li> <li>• Deeds (or contracts under seal)</li> </ul>	<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>
<b><u>INTELLECTUAL PROPERTY RECORDS</u></b>	
<ul style="list-style-type: none"> <li>• Formal documents of title (trade mark or registered design certificates; patent or utility model certificates)</li> <li>• Assignments of intellectual property to or from the school</li> <li>• IP / IT agreements (including software licences and ancillary agreements e.g. maintenance; storage; development; coexistence agreements; consents)</li> </ul>	<p>Permanent (in the case of any right which can be permanently extended, eg trade marks); otherwise expiry of right plus minimum of 7 years.</p> <p>As above in relation to contracts (7 years) or, where applicable, deeds (13 years).</p> <p>Minimum – 7 years from completion of contractual obligation concerned or term of agreement</p>
<b><u>EMPLOYEE / PERSONNEL RECORDS</u></b>	
<ul style="list-style-type: none"> <li>• Single Central Record of employees</li> <li>• Contracts of employment</li>   <li>• Employee appraisals or reviews</li> <li>• Staff personnel file</li>   <li>• Payroll, salary, maternity pay records</li> <li>• Pension or other benefit schedule records</li> </ul>	<p>Keep a permanent record of all mandatory checks that have been undertaken (not certificate)</p> <p>7 years from effective date of end of contract</p> <p>Duration of employment plus minimum of 7 years</p> <p>As above, but <u>do not delete any information which may be relevant to historic safeguarding claims.</u></p> <p>Minimum – 6 years</p> <p>Possibly permanent, depending on nature of scheme</p>

<ul style="list-style-type: none"> <li>• Job application and interview/rejection records (unsuccessful applicants)</li> <li>• Immigration records</li> <li>• Health records relating to employees</li> </ul>	<p>Minimum 3 months but no more than 1 year</p> <p>Minimum – 4 years</p> <p>7 years from end of contract of employment</p>
<p><b><u>INSURANCE RECORDS</u></b></p> <ul style="list-style-type: none"> <li>• Insurance policies (will vary – private, public, professional indemnity)</li> <li>• Correspondence related to claims/ renewals/ notification re: insurance</li> </ul>	<p>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.</p> <p>Minimum – 7 years</p>
<p><b><u>ENVIRONMENTAL &amp; HEALTH RECORDS</u></b></p> <ul style="list-style-type: none"> <li>• Maintenance logs</li> <li>• Accidents to children <sup>4</sup></li> <li>• Accident at work records (staff) <sup>4</sup></li> <li>• Staff use of hazardous substances <sup>4</sup></li> </ul>	<p>10 years from date of last entry</p> <p>25 years from birth (unless safeguarding incident)</p> <p>Minimum – 4 years from date of accident, but review case-by-case where possible</p> <p>Minimum – 7 years from end of date of use</p>
<ul style="list-style-type: none"> <li>• Risk assessments (carried out in respect of above) <sup>4</sup></li> </ul>	<p>7 years from completion of relevant project incident, event or activity.</p>