RGS

# RECORD RETENTION PROCEDURE & SCHEDULE

# RECORD RETENTION PROCEDURE & SCHEDULE

**Newcastle upon Tyne Royal Grammar School**

## CONTENTS


1. Introduction
2. The purpose of the record retention procedure and schedule
3. Benefits of a record retention procedure and schedule
4. Meaning of 'Record'
5. Storage, security and review of records
6. What to do with records once they have reached the end of their administrative life
7. Useful contacts
8. Links to other school policies
9. Record retention, record procedure and schedule
   - 9.1 Child protection
   - 9.2 Governors
   - 9.3 Management
   - 9.4 Students
   - 9.5 Personnel
   - 9.6 Health and safety
   - 9.7 Property
   - 9.8 Administrative
   - 9.9 Finance
   - 9.10 ISI/DfE

Appendix A - Confidential and non-confidential records
Appendix B – Record review/disposal template


## INTRODUCTION

The School handles and stores information about identifiable, living people and we are legally obliged to protect that information.

Under the General Data Protection Regulation (GDPR) the length of document retention is a question of relevance and purpose, as well as data security.

It does, however, have strict rules about use and storage of personal data generally with the practical effect of requiring more dynamic, efficient and secure storage systems. Under the General Data Protection Regulations 2018 and the Data Protection Act 2018, we must:

- Only collect information that we need for a specific purpose.
- Keep it secure and accessed only by those with reason to view it.
- Be transparent and accountable as to what we hold.
- Understand and explain the reasons why we hold data – which also means keeping records that explain how decisions around personal data are made.
- Ensure it is relevant and up-to-date.
- Only hold as much as we need, and only for as long as we need it.
- Be prepared to respond more quickly to subject access requests.
- Be able to amend, delete or transfer data promptly upon any justified request, or

otherwise prepared to explain why we will not.

- Be able to audit how someone's personal data was collected and when.

This record retention procedure and schedule contains recommended retention periods for the different record series created and maintained by RGS in the course of its business. The schedule refers to all information regardless of the media in which it is stored.

Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the General Data Protection Regulations 2018 and the Data Protection Act 2018.

### IICSA, Child protection and document retention

In the light of the Independent Inquiry into Child Sexual Abuse (IICSA), former Chair Dame Lowell Goddard's forceful statements, and various high-profile safeguarding cases, there is an emphasis currently being placed on long-term, lifetime or even indefinite keeping of full records related to incident reporting. Many will be extending this rule to all personnel and student files on a *safety first* basis.

In the current climate, there should not be any deletion of historic staff and student files, or any material potentially relevant for future cases, even if it has been held for long periods already. Data protection issues should never put child safety at risk, nor take precedence over the general prevention and processing of safeguarding claims.

## THE PURPOSE OF THE RECORD RETENTION PROCEDURE & SCHEDULE

Under the General Data Protection Regulations 2018 and the Data Protection Act 2018, organisations are required to maintain a record retention procedure and schedule listing the record series which the School creates in the course of its business. The record retention procedure and schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use.

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

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

Members of staff are expected to manage their current record keeping systems using the record retention procedure and schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems.

The record retention procedure and schedule refers to all information, regardless of the media in which they are stored.

## BENEFITS OF A RECORD RETENTION PROCEDURE & SCHEDULE

There are a number of benefits which arise from the use of a complete record retention procedure and schedule:

- Members of staff can be confident about destroying information at the appropriate time.
- Information which is subject to Data Protection legislation will be available when required.
- The School is not maintaining and storing information unnecessarily.

## MEANING OF RECORD

In these guidelines, *record* means any document or item of data which contains evidence or information relating to the School, its staff or students. Some of this material, but not all, will contain personal data of individuals as defined in the GDPR.

The GDPR applies to *personal data* meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier.

The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.

An obvious example of personal data would be the Single Central Record or a student file; however, a *record* of personal data could arise simply by holding an email on the School's systems.

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

Digital records can be lost or misappropriated in huge quantities very quickly.

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.

Where voicemails relate to the categories and types of information in Section 6 above, a note should be taken of the date, time and content of the voicemail and the appropriate retention period applied. If the voicemail has been stored electronically, the same requirements apply for emails above. Voicemails that do not fall into one of these categories or type may be deleted.

It is also worth remembering that a digital document's original metadata may indicate the date of its creation, its author or the history of its changes: so it is important that this information is preserved.

### Paper records

Under the GDPR, paper records includes organised, and/or indexed files, such that personal information relating to a certain individual is readily accessible. By way of example, an

alphabetical personnel file split into marked dividers will likely fall under this category: but a note in a notebook may not.

However, when personal information is contained on print-outs taken from electronic files, this data has already been processed by the School and falls under the GDPR. Remember: the GDPR is only one consideration in retaining records, so it is preferable to keep paper documents ordered and accessible.

## STORAGE, SECURITY & REVIEW OF RECORDS

All staff should 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, data sticks, mobiles or handheld electronic tablets), and accessed in line with the RGS's *IT USE POLICY*.
- Staff can use remote access tools such as Citrix, Foldr and Office365, however, they should not download files to personal devices and use the online editing tools if required. If staff are using personal devices to access data, they should ensure that the device is protected with a password and entry to the access tools is by password every time and not included in automatic password apps. Two Factor Authentication should be used when accessing school databases remotely if available.
- 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).
- That all destruction or permanent erasure of records should be recorded and 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.
- Records to be archived should be clearly labelled and a list of the records made. The records should then be passed to the Bursar for storage.

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.

## WHAT TO DO WITH RECORDS ONCE THEY HAVE REACHED THE END OF THEIR ADMINISTRATIVE LIFE

### Destruction of records

Unless you deal with financial or personal matters (e.g. staff or students), only a small proportion of the records you produce will be confidential.

Any record produced by the School which is not in the public domain and which contains information on identifiable individuals should, however, be treated as confidential.

Where records have been identified for destruction they should be disposed of in an appropriate way. All records containing personal information, or sensitive policy information should be shredded before disposal. Any other records should be bundled up and disposed of to a waste paper merchant or disposed of in other appropriate ways.

GDPR requires organisations to maintain records on several things such as processing purposes, data sharing and retention, including destruction. Members of staff should record at least:

- File reference (or other unique identifier);
- File title (or brief description);
- Number of files;
- The name of the authorising officer.

This could be kept in an Excel spreadsheet or other database format. A template is provided in Appendix A.

Under the Act, the individual handling or processing confidential personal data is personally responsible for the proper disposal of such data.

Do not leave sacks containing confidential waste in corridors.

### A note on 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.

### Transfer of records to the Archives

Where records have been identified as being worthy of permanent preservation, arrangements should be made with the Bursar to transfer the records to the Archives. A list of the records sent to the Archives should be created to include the information above. See the RGS Archives Policy and RGS Collections Policy for more details.

### Transfer of information to other media

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media such as microform or digital media. The lifespan of the media and the ability to migrate data where necessary should always be considered.

## CONTACTS

All questions about this procedure should be directed to the Bursar.

## LINKS TO OTHER SCHOOL POLICIES

This policy should read in conjunction with the following related policies: *Privacy Notice, RGS Archives Policy* and *RGS Collections Policy*.

## 9.1 Child Protection

The retention and use of records relating to child protection matters concerning learners, and child protection allegations against staff requires specific guidance in this schedule.

| Basic file description | Data holder | Statutory provisions | Retention period [operational] | Action at the end of the administrative life of the record | |
|---|---|---|---|---|---|
| Child Protection files | PD | Education Act 2002, s175, related guidance "Keeping Children Safe in Education", September 2016 | If no concerns DOB + 25 years<br><br>If referral made Indefinitely | SHRED | Child Protection information must be copied and sent under separate cover to new school/college whilst the child is still under 18. Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority. |
| Allegation of a child protection nature against a member of staff, including where the allegation is unfounded | PD | Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary and Grievance) Education Act 2002 guidance " Keeping Children Safe in Education", September 2016 part 4 | 35 years or indefinitely | SHRED | Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary and Grievance<br>"Records of allegations about workers who have been investigated and found to be without substance should not normally be retained once an investigation has been completed. There are some exceptions to this where for its own protection the employer has to keep a limited record that an allegation was received and investigated, for example, where the allegation relates to abuse and the worker is employed to work with children or other vulnerable individuals". |

| 9.2 Governors | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data holder** | **Statutory provisions** | **Retention period [operational]** | **Action at the end of the administrative life of the record** | |
| Minutes | | | | | |
| • Principal set (signed) | Bursar | | Permanent | Retain for 6 years from date of meeting | Transfer to Archives |
| • Inspection copies | Bursar | | Date of meeting + 3 years | DESTROY | |
| Registers | Bursar | | Permanent | Retain for 6 years from date of meeting | Transfer to Archives |
| Reports | Bursar | | Date of report + 6 years | Retain for 6 years from date of meeting | Transfer to Archives |
| Instruments of Government | Bursar | | Permanent | Retain in school while school is open | Transfer to Archives when the school has closed |
| Trusts and Endowments | Bursar | | Permanent | Retain in school whilst operationally required | Transfer to Archives |
| Complaints files | SSS | | Date of resolution of complaint + 6 years | Retain in school for the first six years<br>Review for further retention in the case of contentious disputes<br>*Destroy routine complaints. Complaints alleging possible harm to a young person by a member of staff are covered in 6.1 above.* | |

| 9.3 Management | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data holder** | **Statutory provisions** | **Retention period [operational]** | **Action at the end of the administrative life of the record** | |
| School development plans | SSS | | Closure + 6 years | Review | Offer to the Archives |
| Minutes of the Senior Management Teams and other internal administrative bodies | SSS | | Date of meeting + 5 years | Retain in the school for 5 years from meeting | Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation] |
| Reports made by the Head or the Senior Leadership Team | SSS | | Date of report + 3 years | Retain in the school for 5 years from meeting | Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation] |
| Records created by staff with administrative responsibilities (except child protection records which are dealt with in section 6.1 above). | Individual Staff | | Closure of file + 6 years | DESTROY<br>If these records contain sensitive information they should be shredded | |
| Curriculum development | DoS | | Current year + 3 years | DESTROY | |

| 9.4 Students | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data holder** | **Statutory provisions** | **Retention period [operational]** | **Action at the end of the administrative life of the record** | |
| Admission Details | AdO | | Date of leaving + 7 years | Retain in the school for 7 years from the date of the last entry. | Transfer to the Archives |
| Admission Details for unsuccessful applicants | AdO | | Within 6 months unless consent to retain received. | If consent received, retain until past last entry level SHRED | SHRED |
| Attendance registers | AtO | | Date of register + 6 years | Retain in the school for 6 years from the date of the last entry. | Transfer to the Archives |
| Student files | HoY | | DOB of the learner + 25 years | SHRED | |
| Student medical records | Nurse | | DOB of the learner + 25 years | SHRED | |
| Special Educational Needs files, reviews and Individual Education Plans | PD | | DOB of the learner + 35 years | SHRED | |
| Examination results (External and Internal) | DoS | | Year of examinations + 7 years | DESTROY | Any certificates left unclaimed should be returned to the appropriate Examination Board |
| Disciplinary records | HoY | | Date of leaving + 7 years | SHRED | |
| Any other records created in the course of contact with learners | HoY | | Current year + 3 years | Review at the end of 3 years and either allocate a further retention period or DESTROY | |
| Live UCAS /careers docs/references | Careers | | Date of leaving + 7 years | SHRED | |
| Archived UCAS/careers docs /references | SSS | | Date of leaving + 7 years | SHRED | |

| 9.5 Personnel | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data holder** | **Statutory provisions** | **Retention period [operational]** | **Action at the end of the administrative life of the record** | |
| Payroll, sick pay, maternity pay | HRO | Financial Regulations | Current year + 6 years | SHRED | |
| Staff Personal files | HRO | | Termination + 7 years | SHRED | |
| Interview notes and recruitment records | HRO | | Date of interview + 6 months | SHRED | |
| Pre-employment vetting information (including unsuccessful CRB checks) | CM | CRB guidelines | Date of check + 6 months | SHRED [by the designated member of staff] | This information should be placed on the personnel file if the applicant is successful and managed according to the guidelines |
| Records relating to accident/injury at work | Nurse | | Date of incident + 12 years | Review at the end of this period. In the case of serious accidents a further retention period will need to be applied | |
| Annual Appraisal/assessment records | HRO | | Current year + 7 years | SHRED | |
| Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995 | HRO | | Last payment + 6 years | SHRED | |
| Medical records | Nurse | | Termination + 7 years | SHRED | If there are any outstanding issues related to the individuals health then retain and review regularly. |

## 9.6 Health and Safety

| Basic file description | Data Holder | Statutory Provisions | Retention Period [operational] | Action at the end of the administrative life of the record | |
|---|---|---|---|---|---|
| Accessibility Plans | Bursar | Disability Discrimination Act | Current year + 6 years | DESTROY | |
| Accident Reporting | | Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980 | | | |
| • *Adults - Accident records* | Nurse | | Date of accident + 4 years | SHRED | |
| • *Children* | Nurse | | DOB + 25 years | SHRED | |
| COSHH | FM | The Control of Substances Hazardous to Health Regulations 2002 (as amended) | Current year + 10 years | Review [where appropriate an additional retention period may be allocated] | |
| • *PPE examination and test records* | FM | | 5 years | DESTROY | |
| Fire Precautions log books | FM | | Current year + 6 years | DESTROY | |
| Process of monitoring of areas where employees and persons are likely to have come in contact with **asbestos** | FM | | Last action + 40 years | DESTROY | |

| 9.6 Health and Safety (cont.) | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data Holder** | **Statutory Provisions** | **Retention Period [operational]** | **Action at the end of the administrative life of the record** | |
| Process of monitoring of areas where employees and persons are likely to have come in contact with **radiation** | FM | | Last action + 50 years | DESTROY | |
| Risk Assessments | Bursar | | Date that assessment superseded + 7 years | DESTROY | |
| Safe use of work equipment | FM | Provision and use of Work Equipment Regulations 1998 | Until the next inspection or equipment is disposed of | DESTORY | |
| Waste transfer notes and destruction certificates | FM | | 2 years from expiry of certificate | SHRED | |

| 9.7 Property | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data Holder** | **Statutory Provisions** | **Retention Period [operational]** | **Action at the end of the administrative life of the record** | |
| Title Deeds | CM | | Permanent | These should follow the property | Offer to Archives |
| Plans | CM | | Permanent | Retain until superseded then offer to archives before destruction | Offer to Archives |
| Leases | CM | | Expiry of lease + 6 years | DESTROY | Offer to Archives |
| Lettings | Bursar | | Current year + 3 years | DESTROY | |
| Burglary, theft and vandalism report forms | CM | | Current year + 6 years | SHRED | |
| Maintenance log books | FM | | Last entry + 10 years | DESTROY | |
| Contractors' Reports | FM | | Current year + 6 years | DESTROY | |

| 9.8 Administrative | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data Holder** | **Statutory Provisions** | **Retention Period [operational]** | **Action at the end of the administrative life of the record** | |
| Employer's Liability certificate | CM | | Permanent whilst the school is open | Retain for 40 years after school has closed | |
| Inventories of equipment and furniture | FO | | Disposal of last item + 6 years or date superseded + 6 years | DESTROY | |
| School brochure/prospectus | ComM | | Current year + 3 years | | Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation] |
| Circulars (staff/parents/learners) | SSS | | Current year + 1 year | DESTROY | |
| Newsletters, ephemera | ComM | | Current year + 1 year | Review to see whether a further retention period is required | Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation] |
| Visitors' book | SSS | | Current year + 2 years | Review to see whether a further retention period is required | Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation] |
| Old Novocastrian Association | DM | | Permanent | Review to see whether a further retention period is required | Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation] |

| 9.9 Finance | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data Holder** | **Statutory Provisions** | **Retention Period [operational]** | **Action at the end of the administrative life of the record** | |
| Finance information | Bursar/FO | Financial Regulations | Current year + 6 years | SHRED | |

| 9.10 ISI/DfE | | | | | |
|---|---|---|---|---|---|
| **Basic file description** | **Data Holder** | **Statutory Provisions** | **Retention Period [operational]** | **Action at the end of the administrative life of the record** | |
| ISI reports and papers | CM | | Replace former report with any new inspection report | Review to see whether a further retention period is required | Transfer to Archives [The appropriate archivist will then take a sample for permanent preservation] |
| Returns | CM | | Current year + 6 years | DESTROY | |

# Appendix A - Confidential and Non-Confidential Records

| What *is not* confidential | What *is* confidential |
|---|---|
| Any record or copy thereof which is already in the public domain e.g. | Any record which contains personal information about a living individual e.g. |
| • Mission statements<br>• Charters<br>• Constitutions<br>• Ordinances<br>• Statutes<br>• Regulations<br>• Published directories<br>• Websites<br>• Published minutes<br>• Published reports<br>• Press releases<br>• Prospectuses<br>• Timetables<br>• Presentation materials<br>• Course guides and outlines<br>• Publicity material<br>• Blank examination papers (post exam)<br>• Theses (accepted)<br>• Data which has been anonymised<br>• Published surveys<br>• Magazines<br>• Published circulars | • Questionnaire or other data collected under a guarantee of confidentiality.<br>• Correspondence or other documents which reveal the contact details or any financial details of a named living person, unless permission has been given to circulate the details.<br>• Correspondence or other documents which reveal personal details or pass comments on a named living person.<br>• Staff personnel records<br>• Discipline records<br>• Learner records<br>• Grant applications<br>• Job applications<br>• Interview notes<br>• Admissions records<br>• Redundancy records<br>• Sick pay records<br>• Maternity pay records<br>• Income tax and National Insurance returns<br>• Wages and salary records<br>• Accident books and records<br>• Health records<br>• Medical records<br>• Any record which, if made public before a certain period, may breach commercial confidentiality e.g.<br>  ○ Contracts<br>  ○ Tenders<br>  ○ Purchasing records<br>  ○ Maintenance records<br>  ○ Insurance records<br>  ○ Unpublished accounting records |

# Appendix B – Record Review/Disposal template

| Ref | Record Description | Media Type | Review Date | Dispose / Retain | Reason for decision | Signature of Reviewer |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

## CONTACT DETAILS

Royal Grammar School, Eskdale Terrace, Newcastle upon Tyne NE2 4DX

Tel: 0191 281 5711

General enquiries: hm@rgs.newcastle.sch.uk
or communications@rgs.newcastle.sch.uk

www.rgs.newcastle.sch.uk

RGS