

# GDPR Retention and Disposal of Data Policy

HARROW, RICHMOND AND UXBRIDGE COLLEGES POLICY AND PROCEDURES



<b>Policy No:</b>	D09
<b>Subject:</b>	GDPR Retention and Disposal of Data Policy
<b>Last approved:</b>	January 2023
<b>Effective date:</b>	April 2025
<b>Review Date:</b>	April 2025
<b>Person responsible:</b>	Data Protection Officer
<b>Approved by:</b>	Technical Infrastructure Board
<b>For action by:</b>	All Staff
<b>For information to:</b>	All Staff

## 1.0 Introduction and purpose

- 1.1 HRUC (the College) must, in respect of its processing of personal data, comply with the Data Protection Act 2018, the General Data Protection Regulation, and related legislation (together, Data Protection Laws).
- 1.2 This Retention and Disposal of Data Policy should be read in conjunction with the College's Data Protection Policy, which sets out the College's overall approach to data protection matters.
- 1.3 The College is under a legal obligation only to keep personal data for as long as the College needs it. Once the College no longer needs personal data, the College must securely delete it. The College recognises that the correct and lawful treatment of data will maintain confidence in the College and will provide for a successful working environment.
- 1.4 This Policy applies to all College employees, consultants, contractors, and temporary personnel hired to work on behalf of the College (College Staff).
- 1.5 All College Staff with access to personal data must comply with this Retention and Disposal of Data Policy.
- 1.6 This Policy explains how the College complies with its legal obligation not to keep Personal Data for longer than needed and sets out when different types of Personal Data will be deleted. In particular, it sets out details of the College's policies for the retention of Special Category Personal Data.

## **2.0 Definitions**

- 2.1 **College** – HRUC, Uxbridge Campus, Park Road, Uxbridge, UB8 1NQ.
- 2.2 **College Staff** – Any College employee or contractor who has been authorised to access any of the College's Personal Data and will include employees, consultants, contractors, and temporary personnel hired to work on behalf of the College.
- 2.3 **Data Protection Laws** – The General Data Protection Regulation (Regulation (EU) 2016/679) and all applicable laws relating to the collection and use of Personal Data and privacy and any applicable codes of practice issued by a regulator including in the UK, the Data Protection Act 2018.
- 2.4 **Data Protection Officer** – The Data Protection Officer is the Chief of Governance and Strategic Operations, and can be contacted at:
  - a) Telephone: 01895 853311
  - b) Email: [dpo@hcuc.ac.uk](mailto:dpo@hcuc.ac.uk)
- 2.5 **ICO** – the Information Commissioner's Office, the UK's data protection regulator.
- 2.6 **Personal Data** – any information about an individual which identifies them or allows them to be identified in conjunction with other information that is held. Personal data is defined very broadly and covers both ordinary personal data from personal contact details and business contact details to special categories of personal data such as trade union membership, genetic data and religious beliefs. It also covers information that allows an individual to be identified indirectly for example an identification number, location data or an online identifier.
- 2.7 **Special Categories of Personal Data** - Personal Data that reveals a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data (i.e. information about their inherited or acquired genetic characteristics), biometric data (i.e. information about their physical, physiological or behavioural characteristics such as facial images and fingerprints), physical or mental health, sexual life or sexual orientation and criminal record.

## **3.0 Data Retention Periods**

- 3.1 The College has assessed the types of personal data that the College holds and the purposes the College uses it for. Appendix 1 sets out the retention periods that the College has set for the different functions within the College, and the different types of data they each hold and process.
- 3.2 If any member of College Staff considers that a particular piece of personal data needs to be kept for more or less time than the period set out in this policy, please contact the Data Protection Officer for guidance.

## **4.0 Methods of Destruction**

- 4.1 Paper based data. The document owner is responsible for the destruction of the data. The documentation is to be shredded under departmental arrangements. Confidential documentation is not to be given to cleaning staff to transport to the shredder. The department is to ensure the documentation is shredded by conducting the operation themselves.
- 4.2 Electronic data. Electronic data is to be destroyed by deletion of files, folders and documents as required.

## Appendix 1

### HCUC Retention and Disposal of Data Schedule

- Guiding principle, personal information should only be kept as long as is necessary

#### Governance and Management

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Signed Corporation minutes	Staff confidential matters.	Life of Institution	Statutory requirement.
Corporation Papers	Staff confidential matters.	Current Year +50 years	Guidance (JISC)
Governor contact details	Y	Termination of appointment + 6 years.	
Register of interests	Y	Termination of appointment + 6 years	
Electronic signature (Chair)	Y	Termination of appointment	Urgent Action
Papers relating to capital projects or other issues where legal claims may arise	N	12 years	
Property deeds and mortgages	N	Permanent	
Correspondence relating to important legal matters	There may be if dealing with confidential issues relating to staff or students	Permanent	
Share Certificates	N	Permanent	
Statutory registers	N	Permanent	
Complaints	Y	Current academic year plus 3 years	
Management meeting papers and minutes	There may be if dealing with confidential issues relating to staff or students	Current academic year plus 3 years	

#### Human Resources

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Personnel Files; training records; notes of grievance and disciplinary hearings	Y	6 years from the end of employment	Provision of references and limitation period for litigation
Staff Application forms; interview notes	Y	6 months from the date of the interviews	Limitation period for litigation
DBS Checks	N	DBS certificates are not kept	DBS Update Service Employer Guide June 2014: Keeping children safe in education.

<b><u>Type of Data</u></b>	<b><u>Data Protect. Issues</u></b>	<b><u>Retention Period</u></b>	<b><u>Reason</u></b>
			July 2015 (Statutory Guidance from Dept. of Education) Sections 73, 74
Pre-employment vetting/checking	Y	Records should be held on personnel file.	An employer's guide to right to work checks [Home Office May 2015]
Facts relating to redundancies (less than 20)	Y	3 years from the date of redundancies	Limitation period for litigation
Facts relating to redundancies (20 or more)	Y	12 years from the date of redundancies	Limitation period for litigation
Income Tax and NI returns; correspondence with Tax Office	Y	3 years after the end of the financial year to which the records relate	Income Tax (Employment) Regulations 1993
Statutory Maternity Pay records and calculations	Y	3 years after the end of the financial year to which the records relate	Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay records and calculations	Y	3 years after the end of the financial year to which the records relate	Statutory Sick Pay (General) Regulations 1982
Wages and salary records	Y	6 years from the last date of employment	Taxes Management Act 1970
Performance Management and Development records	Y	6 years after the end of the financial year to which the records relate	
TLO and Learning Walk records	Y	6 years after the end of the financial year to which the records relate	
Records and reports of accidents	Y	3 years after the date of the last entry (or in the case of students under 18, 3 years after their 18 <sup>th</sup> birthday)	RIDDOR 1995
Health Records	Y	During Employment	Management of Health and Safety at Work Regulations
Concerns about an adults behaviour (a copy should be given to the individual)	Y	Longer of 10 years/retirement age. Note, should be removed from personnel file if found to be malicious	"Keeping children safe in education Statutory guidance for schools and colleges March 2015"; "Working together to safeguard children. A guide to inter-agency working

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
			to safeguard and promote the welfare of children March 2015"

### Health, Safety and Insurance

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Accidents reports and claims	Y	Permanent	
Insurance records and policies	N	Permanent	
Trips	Y	Academic year of trip plus one month	
CCTV footage	Y	4 weeks	

### Finance

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Financial statements	N	6 years after the end of the financial year to which the records relate	
Audit report	N	6 years after the end of the financial year to which the records relate	
Tax records	N	Permanent	
Bank records	N	6 years after the end of the financial year to which the records relate	
Accounting records	N	6 years after the end of the financial year to which the records relate	
Student support funds	Y	6 years after the end of the financial year to which the records relate	
Contracts	N	Permanent	
Expenses claims and records	Y	6 years after the end of the financial year to which the records relate	
Lease and Hire Agreements	N	Permanent	
Quotations (out)	N	3 years after the end of the financial year to which the records relate	

## Learner Records

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Application/admissions data	Y	Whilst applicant at college plus one year	Guidance to schools
Inclusion panel records	Y	3 years after the end of the financial year to which the records relate	
Enrolment data	Y	<b>Non ESF match funded provision (16-19)</b> 6 years after the last payment is made for funded provision therefore 7 years after completion of learning <b>ESF match funded provision</b> 3 years after the final payment from European Commission: 2007-2013 ESF Programme 31 Dec. 2022 (confirmation of destruction date will be confirmed by ESFA in writing) 2014-2020 ESF Programme 31 Dec. 2030 (confirmation of destruction date will be confirmed by ESFA in writing)	As required in funding contract
Attendance data	Y	As above	
Achievement data	Y	As above	
Examination certificates	Y	As above	
Learner progress data e.g. e-trackr assessment scores/units, ALPS)	Y	3 years after completion of learning (HE quals 5 years – HE)	Awarding body requirement
Internal Quality Assurance records	Y	3 years after completion of learning	Awarding body requirement
Learner assessed work (e.g., Coursework)	Y	Keep for 12 weeks after the course end date (for assessment appeals) then return to learners	Awarding body requirement
Safeguarding records	Y	Until young person's 26 <sup>th</sup> birthday	
Quality Reviews	Y	3 years after completion of learning	
COL/LA Progress Review	Y	3 years after completion of learning	
QAC Audit reports and minutes	Y	3 years after completion of learning	
College Dashboard data reports	Y	Current academic year plus 3 years	3 year trend plus current year
Sb-contract learner records	Y	As for HCUC records	
Learner medical information	Y	1 year after completion of learning	
Paper application forms	Y	6 years	

### Employer Details

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Employer information	Y	As required in funding contract	
Employer contact details	Y	3 years with opt-in	

### General Administration

<u>Type of Data</u>	<u>Data Protect. issues</u>	<u>Retention Period</u>	<u>Reason</u>
Visitor signing in records	Y	Current year plus 3 years	For the purpose of managing and operating the college site.

### Photographs

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Student	Y	6 years on systems (indefinitely on internet)	
Staff	Y	Until end of employment	