



# Data Retention Schedule

## PURPOSE

The Ark data retention schedule is used to ensure the retention of business information for as long as is needed. It is intended primarily as a resource for the governance team who will work with teams to determine relevant retention periods across the organisation.

|                      |   |                    |                                 |
|----------------------|---|--------------------|---------------------------------|
| Date of last review: | April 2018  | Author:            | Head of Data & Systems Strategy |
| Date of next review: | April 2021  | Owner:             | Director of Governance          |
| Type of policy:      | <input checked="" type="checkbox"/> Network-wide<br><input type="checkbox"/> Tailored by school | Approval:          | Management Team                 |
| School:              | N/A   | Key Contact Name:  | Governance team                 |
| Key Contact Email:   | governance.team@arkonline.org   | Key Contact Phone: | 020 3116 6333                   |

## POSITIONING WITHIN ARK OPERATIONAL MODEL

| Component   | Element         |
|---|-----------------|
| <input type="checkbox"/> Strategic Leadership & Planning<br><input checked="" type="checkbox"/> Monitoring, Reporting & Data<br><input checked="" type="checkbox"/> Governance & Accountabilities<br><input type="checkbox"/> Teaching & Learning<br><input type="checkbox"/> Curriculum & Assessment<br><input type="checkbox"/> Culture, Ethos & Wellbeing<br><input type="checkbox"/> Pathways & Enrichment<br><input type="checkbox"/> Parents & Community<br><input type="checkbox"/> Finance, IT & Estates<br><input type="checkbox"/> Our People | Data Protection |

## **1. Introduction**

- 1.1. The main aim of this guidance is to enable business entities and schools across Ark to manage our records effectively and in compliance with data protection and other regulations. As an organisation we collect, hold, store and create significant amounts of data and information and this policy provides a framework of retention and disposal of categories of information and documents.
- 1.2. Ark and Ark Schools is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned.
- 1.3. The table below sets out the main categories of information that we hold, the length of time that we intend to hold them, and the reason for this.
- 1.4. Section 2 sets out the Ark and Ark Schools agreed retention periods for each type of personal data held. The legal retention period is also provided for information, as in some cases Ark and Ark Schools has made the decision to retain data for periods longer than legally mandated.
- 1.5. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The designated Data Protection Lead for each individual school or Ark Programme shall be responsible for ensuring that this is carried out appropriately. The Ark Data Protection Officer can be contacted if there are any questions regarding this policy.
- 1.6. If a document or piece of information is reaching the end of its stated retention period, but you are of the view that it should be kept longer, please refer to the Ark Data Protection Officer who will make a decision as to whether it should be kept, for how long, and note the new time limit and reasons for extension.

## 2. Data Retention Schedule

| Document category and basic description   | Ark Schools Retention Period   | Legal Retention Requirement  | Reason for retention  |
|---|--|--|---|
| <b>Corporate/<br/>Constitutional</b>  |  |  |   |
| Trustee / director minutes of meetings and written resolutions                  | <b>Permanent</b>   | Recommended at least 10 years  | Companies Act 2006<br>Charities Act 2011                                  |
| Governors and Members' meetings etc.<br>Agenda/ minutes / reports / resolutions | <b>Permanent</b>   | Recommended at least 10 years  | Companies Act 2006<br>Charities Act 2011                                  |
| Documents of clear historical / archival significance                           | <b>Permanent</b>   | Permanent (if relevant data protection regulation provisions are met).         | Data Protection regulation  |
| Fundraising donor information   | <b>Permanent record of historical fundraising/supporter activity</b><br><br><b>2 years for prospective fundraising/supporter activities where no contact has been attempted</b>          | 7 years of financial data (including 6 years for Gift Aid) for existing donors | Financial Auditing and Charities Commission                               |
| <b>Insurance</b>  |  |  |   |
| Claims correspondence   | <b>3 Years after settlement (pending review)</b>   | 3 years after settlement   | Commercial  |
| <b>Health &amp; Safety</b>  |  |  |   |
| Accident books / records and reports  | <b>6 years after last entry or end of investigation, for all adults</b><br><br><b>For students, record stored up to 25<sup>th</sup> birthday (in line with student record retention)</b> | 3 years after last entry or end of investigation                               | Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 |

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|--|---|--|---|
| <b>Pension Records</b>   |   |  |   |
| Records about employees and workers  | <b>6 years from end of current tax year</b>   |  | For all categories see: Detailed Guidance for Employers: (April 2017) ( <a href="http://www.pensionsregulator.gov.uk">www.pensionsregulator.gov.uk</a> )  |
| <b>Employees / Administration</b>  |   |  |   |
| Payroll / Employee / Income Tax and NI records, including maternity and sick pay records | <b>6 years from end of current tax year</b>   | 6 years from end of current tax year   | Taxes Management Act 1970/IT (PAYE) Regulations<br>Statutory Maternity Pay Regulations<br>Statutory Sick Pay (General) Regulations  |
| <b>Employees / Administration</b>  |   |  |   |
| Foreign national ID documents  | <b>6 years from end of current tax year</b>   | Minimum 2 years from end of employment   | Immigration (Restrictions on Employment) Order 2007   |
| HR files and training records  | <b>6 years from end of current tax year</b>   | Maximum 6 years from end of employment   | Limitation Act 1970 and Data Protection regulation  |
| Records re working time  | <b>6 years from end of current tax year</b>   | 2 years  | Working Time Regulations 1998 as amended<br>Decision to retain longer than legal requirement in order to perform network level analysis of working patterns.  |
| Job applications (CVs and related materials re unsuccessful applicants)                  | <b>12 months from the notification of the outcome of an application</b>   | Recommended: 6-12 months from your notification of outcome of application  | ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976  |
| Pre-employment / volunteer vetting   | <b>6 months beyond last date of interaction</b>   | 6 months   | ICO Employment Practice Code  |
| Disclosure & Barring Service checks  | <b>Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months</b> | Record only satisfactory / unsatisfactory result and delete other information. If copy is kept, not to be retained beyond 6 months See further DfE statutory Guidance ‘Working Together to safeguard children’ | Single Central Record Requirements for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education |

| <b>Document category and basic description</b> | <b>Ark Schools Retention Period</b>   | <b>Legal Retention Requirement</b>  | <b>Reason for retention</b>   |
|--|---|---|---|
|  |   |   | (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007)  |
| Volunteer records                              | <b>Evaluated on a case by case basis, depending on involvement with children</b>  | Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding re work with children)   |   |
| <b>Pupils</b>                                  |   |   |   |
| Student admissions information                 | <b>Successful applications – kept alongside educational record.<br/>Unsuccessful applications – resolution of case + 1 year</b>   |   | School Admissions Code statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels December 2014   |
| Educational Record                             | <b>All personal data for all Ark students is maintained up to 25<sup>th</sup> birthday.<br/>Non-identifiable student records maintained indefinitely for all Ark School attendees beyond this time.</b> | 25 years from date of birth if this is the final school of the child but the pupil file should follow the pupil so it is likely to be difficult to justify the need for retention once the file has been passed to the pupil's new school | Pupil information Regulations 2005 (maintained schools only) Same approach applied in academy context. Data Protection regulation The retention periods determined enable Ark to carry out detailed longitudinal analysis of the performance of staff, students and schools across the network. This supports Ark's aims to improve educational outcomes. |
| Child Protection information                   | <b>Retain until further statutory guidance is available.</b>  | RETAIN UNTIL FURTHER INFORMATION AVAILABLE. Subject to moratorium on destruction due to historic child abuse enquiry.   | “Keeping children safe in education Statutory guidance for schools and colleges September 2016”; “Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children February 2017”   |

| <b>Document category and basic description</b>                                       | <b>Ark Schools Retention Period</b>   | <b>Legal Retention Requirement</b>  | <b>Reason for retention</b>  |
|--|---|---|--|
| SEN files  | <b>All personal data for all Ark students is maintained up to 25<sup>th</sup> birthday.<br/>Non-identifiable student records maintained indefinitely for all Ark School attendees beyond this time.</b> | Usually 25 years from date of birth of the pupil. If kept longer show good justification.   | Limitation Act 1980  |
| <b>Pupils</b>  |   |   |  |
| Education Health and Care Plans (and legacy Statements of Special Educational Needs) | <b>All personal data for all Ark students is maintained up to 25<sup>th</sup> birthday.<br/>Non-identifiable student records maintained indefinitely for all Ark School attendees beyond this time.</b> | 25 years from date of birth of the pupil  | Special Educational Needs and Disability Regulations 2014<br>Children and families Act 2014, part 3.<br>Originally under Special Educational Needs and Disability Regulations 2001 |
| Attendance registers   | <b>All personal data for all Ark students is maintained up to 25<sup>th</sup> birthday.<br/>Non-identifiable student records maintained indefinitely for all Ark School attendees beyond this time.</b> | 3 years from when the register entry was made if made in paper registers<br>For computerised registers retain until 3 years after the end of the school year during which the entry was made.<br>This applies to every back up copy.<br>The difference in retention periods as between manual and computerised registers has probably come about in error but this is what the Regulations say. | Pupil Registration Regulations 2006<br>Regulation 14   |
| Other items e.g. curriculum related, photographs, video recordings                   | <b>Individual schools (asset owners) determine the length of time that these assets are required to be kept.</b>  | Look at why you are processing this and how long you need it for. Make sure you have a good justification for keeping it as   | Case by case basis   |

| Document category and basic description | Ark Schools Retention Period  | Legal Retention Requirement   | Reason for retention   |
|---|---|---|--|
|   |   | long as you do. Set out the items and the justification.  |  |
| <b>Parents</b>                          |   |   |  |
| Parent contact details                  | <b>Contact details of parents are maintained for 6 years after their child has left an Ark school. Paper records are to be destroyed after this time, while an electronic record is maintained</b><br><b>Non-identifiable address details are maintained indefinitely for all Ark School attendees beyond 6 years</b> | Usually, for the duration that the parent has a pupil at the school. Otherwise subject to case by case justification. | Pupil Registration Regulations 2006<br>For basic name and contact details.                           |
| <b>Alumni / Alumnae</b>                 |   |   |  |
| Alumni contact and personal details     | <b>To be confirmed in line with legal guidance.</b>   |   | No legal clarity at present. Seek further advice when the Data Protection Act 2018 is in final form. |

### **3. Deletion of Documents**

- 3.1. When a document is at the end of its retention period, it should be dealt with in accordance with this policy.

#### **Confidential waste**

- 3.2. Anything that contains personal information should be treated as confidential.
- 3.3. Paper records should be disposed of in confidential waste bins (where available) or by shredding.
- 3.4. Where deleting electronically, please liaise with the IT team to ensure that this is carried out effectively.

#### **Other documentation**

- 3.5. Other documentation can be deleted or placed in recycling bins where appropriate.

#### **Automatic deletion**

- 3.6. Certain information will be automatically archived by the computer systems. Should you want to retrieve any information, or prevent this happening in a particular circumstance, please contact the person responsible for the data system.

#### **Individual responsibility**

- 3.7. Much of the retention and deletion of documents will be automatic, but when faced with a decision about an individual document, you should ask yourself the following:
  - 3.7.1. Has the information come to the end of its useful life?
  - 3.7.2. Is there a legal requirement to keep this information or document for a set period? (Refer to Section 2 for more information).
  - 3.7.3. Would the information be likely to be needed in the case of any legal proceedings? In particular, is it potentially relevant to an historic child abuse enquiry? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)
  - 3.7.4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?
  - 3.7.5. Is the document of historic or statistical significance?
- 3.8. If the decision is made to keep the document, this should be referred to the **Information Governance Manager** and reasons given.