

POLICIES AND PROCEDURES

Data Protection, Record Keeping and Retention Policy

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Purpose of this document

Aspired Futures (AF) complies with the obligation to ensure that all personal data and sensitive personal data that is held is processed in accordance with the Data Protection Act 1998 ("DPA"). AF is required to keep personal data and sensitive personal data secure and process it fairly and lawfully.

Details of Policy

During employment with AF all members consent to the collection, retention and use of details (personal data and sensitive personal data) about you, which we will store electronically or as part of a paper filing system, including information concerning:-

- your home address and contact details
- recruitment records and references
- sickness records
- salary, bonuses and other benefits
- records of telephone use
- analysing sickness absence
- emergency contact details

Trustees, staff and volunteers are required to inform us promptly of any changes in personal information e.g. contact details, bank details, or criminal convictions.

AF will take all reasonable steps to keep information confidential and will not disclose personal information to anyone outside of AF. However, we may disclose personal information if it is required for the administration of employment and associated benefits; to our professional advisors (e.g. accountants or lawyers) or legal and regulatory authorities (e.g. Revenue and Customs).

All members are entitled to request access to any personal data concerning you which is held by AF. Where necessary, a written request should be made. AF are entitled to charge a fee for processing this request and will aim to provide the information within 40 days of the request. There may, however, be circumstances in which we cannot release information, e.g. where it contains the personal data about another employee or third party. Where this is the case, we will notify you accordingly.

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All records are held securely; those relating to individuals are confidential and are kept either in a locked filing cabinet or electronically and password protected.

Child/Young Person (CYP) Files

At an initial visit the Children and Young People Assessment and Inter-Agency Manager (CYP Manager) will explain to the CYP and parent/carer that a record is maintained about them. The parents/carers consent is sought on the CYP Registration Form and they are informed about their right to request access to the record held about them. This is recorded on the consent form.

During the period that AF support a CYP, the CYP Manager will continue to inform the parent/carers about the records that are being made, including any record of concern or referral except where to do so would place a child/young person at increased risk of significant harm.

AF keeps proportionate, accurate records of contact with service users plus contact with the referrer or other professional or agency in relation to the CYP is also recorded in the individual's electronic file.

After support of a CYP has ceased, the file is kept for 5 years after which it is destroyed **unless** there have been or there are ongoing safety or welfare proceedings in which case the file will be retained for a total of 10 years after support ends before it is destroyed. At the point when the support ceases, the file will be clearly marked with the expiry date, and will be shredded when that date is reached

Volunteer Files

- Volunteer files are confidential and are kept electronically securely password protected.
- It is explained to volunteers that a record is maintained about them, and that they have the right to request access to it.
- Disclosure & Barring Service (DBS) paper certificates are not kept by AF. A note of the enhanced disclosure reference number and the date the check was completed is kept once the SMR & HR Manager has seen this disclosure from the volunteer and an online update has been applied for.
- A written record of each formal supervision and appraisal meeting with the volunteer is made and signed by the line manager and the volunteer. The volunteer can request a copy, and a copy is kept and stored in the appropriate section of the volunteer's electronic file.
- When the volunteer leaves AF their personal file information is retained for 5 years and then destroyed **except** where an allegation was made that the individual has harmed, or may have harmed, a child; possibly committed a criminal offence against, or related to, a child; or behaved towards a child in a way that indicates s/he is unsuitable to work with children. Whatever the outcome of the investigation: the volunteer file, containing details of the investigation and outcome will be retained until the volunteer reaches normal retirement age or for 10 years if that is longer.

Staff and Trustee records

- Staff and Trustee files are confidential and kept electronically securely password protected.
- Staff and trustees are made aware at induction that a record is held about them and that they have the right to request access to it.
- Selection and appointment information, absence, sickness and accident records will be retained in line with the retention summary (Appendix 1).

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- A written record of each supervision and appraisal meeting with the member of staff is made and signed by their line manager and the member of staff. The member of staff can request a copy, and a copy is stored in the appropriate section of the staff member's electronic file.
- When the member of staff or trustee leaves AF, their staff file will be retained for 6 years after which time it will be destroyed **except** any records relating to illness or accident at work (12 years) or where an allegation was made that the individual has harmed, or may have harmed, a child; possibly committed a criminal offence against, or related to, a child; or behaved towards a child in a way that indicates s/he is unsuitable to work with children. Whatever the outcome of the investigation: the staff personnel file should be retained until the person concerned reaches normal retirement age or for 10 years if that is longer

AF complies with the requirements of company law and records are maintained and retained in accordance with the retention summary (Appendix 1).

AF complies with the Statement of Recommended Practice (SORP) in relation to its financial record keeping and reporting; and all financial records are retained in accordance with the retention summary (Appendix 1).

AF stores insurance policies and employer's liability insurance certificates securely and in line with the retention summary (Appendix 1).

AF stores documents relating to the ownership or leasehold of premises securely and in line with the retention summary (Appendix 1)

The Data Protection Act 1998 requires every organisation that processes personal information to register with the Information Commissioner's Office (ICO), unless they are exempt. Failure to do so is a criminal offence. AF holds a Certificate of Registration under the Register of Data Controllers.

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Appendix 1

Statutory retention periods*

The table below summarises the main UK legislation regulating statutory retention periods. If employers are in doubt, it's a good idea to keep records for at least 6 years (5 in Scotland), to cover the time limit for bringing any civil legal action.

Record	Statutory retention period	Statutory authority
accident books, accident records/reports	3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos)	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).
accounting records	3 years for private companies, 6 years for public limited companies	Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006
income tax and NI returns, income tax records and correspondence with HMRC	not less than 3 years after the end of the financial year to which they relate	The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631)
medical records and details of biological tests under the Control of Lead at Work Regulations	40 years from the date of the last entry	The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676)
medical records as specified by the Control of Substances Hazardous to Health	40 years from the date of the last entry	The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677)

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Record	Statutory retention period	Statutory authority
Regulations (COSHH)		
medical records under the Control of Asbestos at Work Regulations <ul style="list-style-type: none"> • medical records containing details of employees exposed to asbestos • medical examination certificates 	<ul style="list-style-type: none"> • 40 years from the date of the last entry • 4 years from the date of issue 	The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)
medical records under the Ionising Radiations Regulations 1999	until the person reaches 75 years of age, but in any event for at least 50 years	The Ionising Radiations Regulations 1999 (SI 1999/3232)
records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)	5 years from the date on which the tests were carried out	The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677)
records relating to children and young adults	until the child/young adult reaches the age of 21	Limitation Act 1980

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Record	Statutory retention period	Statutory authority
Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity	6 years from the end of the scheme year in which the event took place	The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence	3 years after the end of the tax year in which the maternity period ends	The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended
wage/salary records (also overtime, bonuses, expenses)	6 years	Taxes Management Act 1970
national minimum wage records	3 years after the end of the pay reference period following the one that the records cover	National Minimum Wage Act 1998
records relating to working time	2 years from date on which they were made	The Working Time Regulations 1998 (SI 1998/1833)

Recommended (non-statutory) retention periods

Record	Recommended retention period
actuarial valuation reports	Permanently
application forms and interview notes (for	6 months to a year. (Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to

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Record	Recommended retention period
unsuccessful candidates)	advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicants documents will be transferred to the personnel file in any event.
assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently
Inland Revenue/HMRC approvals	Permanently
money purchase details	6 years after transfer or value taken
parental leave	5 years from birth/adoption of the child or 18 years if the child receives a disability allowance
pension scheme investment policies	12 years from the ending of any benefit payable under the policy
pensioners' records	12 years after benefit ceases
personnel files and training records (including disciplinary records and working time records)	6 years after employment ceases
redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy

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Record	Recommended retention period
senior executives' records (that is, those on a senior management team or their equivalents)	permanently for historical purposes
Statutory Sick Pay records, calculations, certificates, self-certificates	The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. Although there is no longer a specific statutory retention period, employers still have to keep sickness records to best suit their business needs. It is advisable to keep records for at least 3 months after the end of the period of sick leave in case of a disability discrimination claim. However if there were to be a contractual claim for breach of an employment contract it may be safer to keep records for 6 years after the employment ceases.
time cards	2 years after audit
trade union agreements	10 years after ceasing to be effective
trust deeds and rules	Permanently
trustees' minute books	Permanently
works council minutes	Permanently

*Retention of HR Records – CIPD (revised July 2015)

Other retention periods relevant to AF

Corporate	
Employer Liability Certificate	40 years
Insurance Policies	Permanently
Certificate of Incorporation	Permanently
Memorandum of Association	Original to be kept Permanently

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Articles of Association	Original to be kept Permanently
Variations to the Governing Documents	Original to be kept Permanently
Statutory registers	Permanently
Membership records	20 years from commencement of membership register
Others	
Leases	12 years after least has expired