

**Policy: Data Retention Policy**

**Policy Ref: AP/7CA/SP102**

**Approved By: Principal**

**Date: August 2020**

**Signature:**

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**1 OVERVIEW**

- 1.1 Lakes College West Cumbria (the "**College**") must, in respect of its processing of personal data, comply with the Data Protection Act 2018, the General Data Protection Regulation 2016/679, and related legislation (together, "**Data Protection Laws**").
- 1.2 This Retention 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 and sets out the rationale for why a Retention Policy is required for personal data.
- 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 Personnel**").
- 1.5 All College Personnel with access to personal data must comply with this Retention Policy.
- 1.6 Please read this Retention Policy carefully. All College Personnel must comply with it at all times. If you have any queries regarding this Retention Policy, please consult your manager and/ or the Data Protection Officer. You are advised that any breach of this Retention Policy will be treated seriously and may result in disciplinary action being taken against you.

## 2 ABOUT THIS POLICY

This Retention Policy explains how the College complies with our legal obligation not to keep personal data for longer than we need it 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.

## 3 DEFINITIONS

**College** – Lakes College West Cumbria

**College Personnel** – 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.

**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.

**Data Protection Officer** – The Data Protection Officer is Karen Wilson, and can be contacted at: 01946 839300 ext 1010, karenw@lcwc.ac.uk.

**ICO** – the Information Commissioner's Office, the UK's data protection regulator.

**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.

**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.

## 4 DATA RETENTION PERIODS

4.1 The College has assessed the types of personal data that the College holds and the purposes the College use 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 that they each hold and process.

4.2 If any member of College Personnel 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.

## 5 CHANGES TO THIS POLICY

The College reserves the right to change this policy at any time.

### Related Documents

- **Data Protection Policy**

## Appendix 1: Lakes College Document Retention Schedule – April 2018

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

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Governance and Management			
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.	Charity Law
Register of interests	Y	Termination of appointment + 6 years	Charity Law
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	

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Human Resources			
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. July 2015 (Statutory Guidance from

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
			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 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 to safeguard

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

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

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Finance			
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	

<u>Type of Data</u>	<u>Data Protect. Issues</u>	<u>Retention Period</u>	<u>Reason</u>
Student records			
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 Lakes College records	
Learner medical information	Y	1 year after completion of learning	
Paper application forms	Y	6 years	

<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>
Employer details			
Employer information	Y	As required in funding contract	
Employer contact details	Y	3 years with opt-in	

<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>
General Administration			
Visitor signing in records	Y	Current year plus 3 years	For the purpose of managing and operating the college site.

<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>
Photographs			
Student	Y	6 years on systems (indefinitely on internet)	
Staff	Y	Until end of employment	