

Data Retention Policy GA28

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. SUMMARY

- 1.1 All staff responsible for the processing, use, retention and or destruction of information about an individual (“Personal Data”) such as a student or staff member and special categories of Personal Data, such as information about a person’s race, ethnic origin, sex life, sexual orientation, religion, politics and trade union membership, health information or criminal offence data, (what used to be called “Sensitive Data” under the Data Protection Act 1998, which the 2018 Act replaces), are to follow, adhere and refer to the associated Data Retention Procedure.
- 1.2 As a general rule, Personal Data must not be stored longer than is necessary for the purposes for which that data was originally obtained and processed.
- 1.3 That said, there may be circumstances where Personal Data should be retained for longer, for instance, to protect the College, its staff and its reputation, in the event of possible litigation or claim on the College’s insurance or for safeguarding purposes. The College has also taken a policy decision to retain documents relating to the Corporation and its governance indefinitely.
- 1.4 Unless otherwise advised by the Chief Executive, Personal Data of the category types referred to in the Schedule at Appendix A should not be retained for longer than is stated in that Schedule.
- 1.5 Each period that a record is to be kept – known as the “retention period” – is to be kept for that period plus 1 year, to enable the secure destruction of that record(s) within that year.
- 1.6 In the case of paper records, these will be securely destroyed by an ISO27001:2013 and GDPR compliant document management and confidential waste solutions provider, who can provide proof of a full audit trail on request including certificates confirming document destruction and all of their staff will have been securely vetted.
- 1.7 Electronic Personal Data will be either anonymised or pseudo-anonymised. “Pseudo-anonymisation” means (re)processing the data in such a way that the Personal Data can no longer be attributed to a specific individual (or “Data Subject”) without the use of additional information, provided that such additional information is kept separately and

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is subject to technical and organisational measures to ensure that the Personal Data is no longer attributable to an identified or identifiable natural person.

2. DATA PROTECTION OFFICER

- 2.1 The College Senior Leadership Team has overall responsibility for ensuring compliance with data protection legislation and its associated policies and procedures and has appointed a Data Protection Officer, who is the Clerk to the Corporation.
- 2.2 The Data Protection Officer will lead on the College's overall approach to data protection, assisted by the Legal and Compliance Adviser and the Head of IT.
- 2.3 In addition, the College's Data Protection Officer, assisted by the Legal and Compliance Adviser and Head of IT, will monitor internal compliance with GDPR and the Data Protection Act 2018, and provide advice on data protection issues and how it impacts the College and its activities, and act as a contact point for Data Subjects and the supervisory authority, the ICO.
- 2.4 However, all staff will be expected to comply with data protection legislation and support the College's Data Protection Officer, Legal and Compliance Adviser and Head of IT in meeting the College's obligations under data protection legislation.**
- 2.5 Any person who considers that any of the College's data protection policies and procedures have not been followed should raise the matter with the College's Data Protection Officer by contacting judith.clapham@askham-bryan.ac.uk or by emailing DataProtection@askham-bryan.ac.uk or by contacting the Legal and Compliance Adviser at jethro.powell@askham-bryan.ac.uk .
- 2.6 If an individual makes a complaint to the College's Data Protection Officer and is not satisfied with the College's response, he/she may then wish contact the Information Commissioner's Office (or "ICO"), the UK's supervisory authority, at <https://ico.org.uk/concerns/> and make a formal complaint. The College is registered with the Information Commissioner's Office ("ICO"). The Registration Number is Z6170811. Renewal of the registration takes place annually on 22 January.
- 2.7 Please note that the ICO is unlikely to investigate a complaint without an individual first having made a complaint to the College and exhausting the College's own internal complaints procedure first, before referring the matter to the ICO.

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3. RELATED POLICIES AND PROCEDURES

This policy is supplemented by the following policies and procedures:

GA23 Data Protection Policy

GA24 Subject Access Request Policy

GA25 Subject Access Request Procedure (internal use only)

GA26 Data Sharing Policy

GA27 Data Sharing Procedure (internal use only)

GA29 Data Retention Procedure (internal use only)

GA30 Breach Detection and Reporting Policy

GA31 Breach Detection and Reporting Procedure (internal use only)

GA32 Data Subject Rights Policy

GA33 Data Subject Rights Procedure (internal use only)

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APPENDIX A: RETENTION SCHEDULE

Unless advised otherwise by the Chief Executive, the following types of documents (including emails) should be kept for the period referred to below. This list is not exhaustive.

For items not on the list, assume the retention period is six years from date of completion plus one year to allow time for the data and or the physical file to be deleted/destroyed.

Please note: if any Personal Data has been shared with a third party organisation, they should also be contacted and asked to delete/destroy that data as well and provide confirmation to the College that they have done so

Type of Data	Retention Period	Reason for retention
Strategic/Annual Plans	Permanent	College's legitimate interests
Corporation Minutes and Agendas and Supporting Papers	Permanent	College's legitimate interests
Planning and Implementing Organisational Change	Permanent	College's legitimate interests
Governance and Management Structures	Permanent	College's legitimate interests
Individual Student Records (European Social Fund)	Seven years from the date of record creation + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
Inspection Reports and Reports>Returns made to standards bodies, professional bodies, other government departments	Permanent	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
Records documenting the institution's general communications with other institutions, other educational institutions, professional associations and bodies	Six years from the date of record creation + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
Public Complaints	Six years from the date of record creation + 1 year	College's legitimate interests

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Records documenting the development and establishment of the institution's policies on legal affairs and the acquisition/provision of legal services	Superseded + 5 years	Statutory/legal obligation and College's legitimate interests
Agreements, leases, licences, deeds and contracts under seal and any relevant correspondence and or documents relating to formation of that agreement/contract/deed	12 years from termination of contract + 1 year	Performance of a contract and College's legitimate interests
Other contracts and agreements and any relevant correspondence and or documents relating to formation of that agreement/contract	Six years from termination of contract + 1 year	Performance of a contract and College's legitimate interests
Records documenting the provision of legal support and representation for the institution in dealing with claims by or against the institution which do not proceed to litigation or settlement by an agreement	Six years from the settlement of claim + 1 year OR six years from withdrawal of claim + 1 year	College's legitimate interests
<p>Records documenting legal advice requested by, and provided to, the institution concerning:</p> <ul style="list-style-type: none"> - interpretation of legislation affecting the institution's legal framework, governance, responsibilities or operations; - proposals for new legislation affecting the institution's legal framework, governance responsibilities or operations; - the institution's relationships with government bodies and HE regulators; - industrial relations issues; - health, safety and environmental issues 	Permanent	College's legitimate interests

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Type of Data	Retention Period	Reason for retention
Records documenting the development and establishment of the institution's health and safety management policies	Superseded + 50 years	Statutory/legal obligation and in the College's legitimate interests
Records documenting the formation of a safety committee under the Safety Representatives and Safety Committees Regulations 1977. Includes records documenting the objectives, role, functions, composition and administration of the committee	Life of committee + 50 years	Statutory/legal obligation and in the College's legitimate interests
Asbestos register	Permanent	Statutory/legal obligation and in the College's legitimate interests
COSHH Risk Assessments	40 years from date of assessment + 1 year	Statutory/legal obligation and in the College's legitimate interests
H&S Display Screen Regulations 1992 (DSE users)	5 years from date of assessment + 1 year	Statutory/legal obligation and in the College's legitimate interests
H&S Display Screen Regulations 1992 (non-DSE users)	1 year from date of assessment + 1 year	Statutory/legal obligation and in the College's legitimate interests
Accident Book	3 years from the closure of the investigation into the accident + 1 year	Statutory/legal obligation and in the College's legitimate interests
Health and Safety Risk Assessment Reports	3 years from date of assessment + 1 year	Statutory/legal obligation and in the College's legitimate interests
Any correspondence with the Health and Safety Executive and or successor body, any documentation submitted to the Health and Safety Executive and or successor body as part of a health and safety investigation, etc.	Permanent	Statutory/legal obligation and in the College's legitimate interests
Financial Files	Seven years from the end of the financial year + 1 year	Statutory/legal obligation and in the College's legitimate interests

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All documents necessary to verify ESF Co-financed provision	To be retained in line with contractual requirements (at least 10 years after final ESF claim is paid by the ESF Managing Authority)	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
Records documenting claims made under insurance policies	Six years from settlement of claim + 1 year OR six years from withdrawal of claim + 1 year	College's legitimate interests
<p>Apprenticeships</p> <p>Consent to process sensitive information</p> <p>Record of Pre-Entry Guidance</p> <p>Risk Assessment – Criminal Convictions/Medical</p> <p>Employer Health and Safety and welfare check</p> <p>Acceptance Form</p> <p>Apprenticeship Agreement</p> <p>Manual handling certificate</p> <p>ALS request form</p> <p>Commitment Statement</p> <p>Safety Monitoring Review</p> <p>Work-based learning Review</p> <p>Break in learning Agreement</p> <p>Declaration of Destination</p> <p>Completion Certificate</p> <p>Workplace Induction Checklist</p> <p>Paperwork Checklist</p>	10 years from completion + 1 year	

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<p>Apprenticeships</p> <p>Employer terms and conditions and declaration</p> <p>Employer Responsive (WBL) Records</p> <p>Apprenticeships Training Services Agreements</p>	<p>10 years from completion + 1 year</p>	
<p>Student Records</p> <p>City & Guilds Awarding Body Records</p> <p>BTec/EdEXCEL</p> <p>IMI</p> <p>ABC Awards</p> <p>RHS</p> <p>Vtct</p> <p>Princes Trust</p> <p>Awarding Body Records</p> <p>Learner Responsive (FE) Records</p> <p>HEFCE Funding (HEFCE) Records</p> <p>All records above which relate to ESF programmes (match or directly ESF funded)</p> <p>Signed medical consent forms</p>	<p>3 years from completion + 1 year</p> <p>3 years from completion + 1 year</p> <p>5 years from completion + 1 year</p> <p>7 years from completion + 1 year</p> <p>3 years from completion + 1 year</p> <p>5 years from completion + 1 year</p> <p>3 years from completion + 1 year</p> <p>As per awarding body's retention period</p> <p>10 years from completion + 1 year</p> <p>10 years from completion + 1 year</p> <p>To be retained in line with contractual requirements (at least 10 years after final ESF claim is paid by the ESF Managing Authority)</p> <p>6 years from completion of course + 1 year</p>	<p>Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests including safeguarding of students</p>

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Type of Data	Retention Period	Reason for retention
Student Records		
Admissions Panel	6 years from completion of course+ 1 year Six months from the date of the application for unsuccessful applications + 1 year (unless Safeguarding concerns)	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests including safeguarding of students
Application forms	2 months + 1 year for unsuccessful applicants; 10 years + 1 year for successful ones	
Enrolment forms	6 years from completion of course+ 1 year Six months from the date of the application for unsuccessful application.	
Withdrawal forms	6 years from completion of course + 1 year	
Student Interview Files	6 years from completion of course + 1 year	
Safeguarding records	2 years from completion of course + 1 year	College's legitimate interests including safeguarding of students Statutory/legal obligation, performance of a contract
Bursary Information	6 years from completion of course + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests including safeguarding of students
Fitness for Study	6 years from completion of course + 1 year	
Doctor's Surgery Questionnaire	6 years from completion of course + 1 year	College's legitimate interests including safeguarding of students
Consent and indemnity form	6 years from completion of course + 1 year	College's legitimate interests including safeguarding of students
Student Disciplinary leading to removal from College	Permanent	

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Student Records		
Student Disciplinary leading to other sanctions	3 years from date of sanction + 1 year	College's legitimate interests including safeguarding of students
Student Support – Duty Logs	1 year from date of log + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests including safeguarding of students
Student Support - Other	6 years from completion of course + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests including safeguarding of students
Care Plan	6 years from completion of course + 1 year	
Accommodation (including Apprenticeships accommodation, Duty Student accommodation, ad hoc bookings, etc)	Successful applications 7 years from date of the application + 1 year 2 years for unsuccessful applications + 1 year	Statutory/legal obligation, performance of a contract, performance and College's legitimate interests including safeguarding of students
Information regarding offsite activities, trips, etc and specifically forms OS1, OS2 and OS3 in relation to such offsite activities	3 years from the date of the activity + 1 year	
Student work experience and apprenticeships	6 years from completion of apprenticeships + 1 year	
Risk Assessment (criminal convictions/medical)	10 years from date of assessment+ 1 year	College's legitimate interests including safeguarding of students
Information relating to learners with learning difficulties/learning disabilities	10 years from completion of course + 1 year	
References for students	6 years from completion of course + 1 year	
Club/Activity Register	1 year from completion of course + 1 year	

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Staff Records		
Interview notes – successful	Permanent	Statutory/legal obligation, performance of a contract, performance and College’s legitimate interests including safeguarding of students
Interview notes – unsuccessful	Six months after interview + 1 year	
Application	Six months from date of leaving + 1 year	
Offer letter	Six months from date of leaving + 1 year	
Starter data such as copied ID, driving licence, etc.	Six months from date of leaving + 1 year	
DBS application	Six months from date of leaving + 1 year	
Staff Risk Assessment	Six months from date of leaving + 1 year	
Criminal Convictions Declaration (if completed)	Six months from date of leaving + 1 year	
References	Six months from date of leaving + 1 year	
Health Declarations	Six months from date of leaving + 1 year	
Right to work, etc	Six months from date of leaving + 1 year	
Bank details	Six months from date of leaving + 1 year	
CV – successful	Six months from date of leaving + 1 year	
CV - unsuccessful	1 year after receipt + 1 year	
Proof of qualifications obtained	Six months from date of leaving + 1 year	
Further Information form	Six months after interview + 1 year	
Probationary Review	Six months from date of leaving + 1 year	

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Staff Records		
Appraisal	Six months from date of leaving + 1 year	Statutory/legal obligation, performance of a contract, performance and College's legitimate interests including safeguarding of students
Disciplinary	Permanent	
Grievance	Six months after interview + 1 year	
Sickness/sick notes/any other documents relating to return to work after sickness	Six months from date of leaving + 1 year	
Maternity/Paternity/Adoption and flexible working/compassionate leave, etc.	Six months from date of leaving + 1 year	
Occupational Health referrals, reports, etc.	Permanent	
Occupational Health records	Permanent	
Leaver Information – resignation, forms, etc.	Six months from date of leaving + 1 year	
Redundancy information	Six months from date of leaving + 1 year	
Details of any settlements, employment tribunal claims, etc.	Permanent	
TUPE	Permanent	
P45	7 years + 1 year	
Staff Contract	Permanent	
Part-time variable contract	Permanent	
Staff Development – short courses	2 years from date of leaving + 1 year	
Staff Development – long courses	2 years from date of leaving + 1 year	
E-learning certificates	Six months from date of leaving + 1 year	

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Payroll	7 years from payroll date + 1 years	Statutory/legal obligation, performance of a contract and in the College's legitimate interests
Pensions	Permanent	Statutory/legal obligation and in the College's legitimate interests
<p>Partnership Agreements and arrangements for archive:</p> <p>For Higher Educational validation partnerships, archive arrangements should be consistent with the awarding institutional guidelines</p>	See HEI Guidelines and or partnership agreement	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
<p>Transport</p> <p>Details of students requiring transport</p> <p>Applications to drive College or farm vehicles/own car for work purposes</p> <p>Car park permit form</p> <p>MIDAS Certificates, MIDAS requests and copy drivers licences</p>	<p>1 year from end of academic year + 1 year</p> <p>Six months from the date of the application for unsuccessful applications + 1 year</p> <p>1 year from end of academic year + 1 year</p> <p>Six months from the date of the application for unsuccessful applications + 1 year</p> <p>Six months from date of leaving + 1 year</p> <p>Six months from date of leaving + 1 year</p>	<p>Performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests</p>

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Type of Data	Retention Period	Reason for retention
Data Sharing Agreements	Six years from date of Data Sharing Agreement + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
Privacy Impact Assessments	2 years from date of assessment + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
Equality and Diversity Assessments	2 years from date of assessment + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
Marketing	2 years from date of marketing event or activity + 1 year	Statutory/legal obligation, performance of a contract, performance of a task in the public interest (provision of education) and College's legitimate interests
CCTV	31 days	Statutory/legal obligation and College's legitimate interests
Emails	As per the retention period for the type of document to which they relate, eg H&S Display Screen Regulations 1992 (DSE users) - 5 years from date of assessment + 1 year	As per the retention period for the type of document to which they relate eg H&S Display Screen Regulations 1992 (DSE users) - Statutory/legal obligation and in the College's legitimate interests

Please note: due to the present limitations of some of the College's IT systems, the retention periods where those systems apply may be different to the above.

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