



ACT Academy Trust

Data Retention Procedure 2023

Data Retention Procedure

1. Introduction

- 1.1. This Data Retention Procedure should be read and applied in conjunction with ACT Academy Trust's Staffing Policy Statement.
- 1.2. This policy applies to all employees, workers and contractors.
- 1.3. ACT Academy Trust is committed to retaining personal data (which may be held on paper, electronically, or otherwise) about our employees for no longer than necessary for the purpose or purposes for which they were collected. All steps will be reasonably taken to securely destroy or erase from systems, all data which is no longer required.
- 1.4. ACT Academy Trust recognises the need to process data in an appropriate and lawful manner, in accordance with the General Data Protection Regulation (UK GDPR). The purpose of this procedure is to set out the principles by which we will retain your personal data.
- 1.5. Data users are obliged to comply with this procedure when processing personal data on our behalf. Any breach of this procedure may result in disciplinary action, including dismissal.
- 1.6. ACT Academy Trust is responsible for ensuring compliance with the UK GDPR and this procedure. Any questions about the operation of this procedure or concerns that there has been a breach of this procedure should be referred in the first instance to ACT Academy Trust.

2. Responsibilities

- 2.1. ACT Academy Trust understand their legal responsibility to comply with the law, including the UK General Data Protection Regulation. The individual with overall responsibility for this procedure is the Data Protection Officer.

3. Retention of Data

- 3.1. ACT Academy Trust will state the purposes for which it holds personal information and will register with the UK Data Protection Commissioner all the purposes for which it processes personal data.
- 3.2. Personal data will be retained for employment purposes, to assist in the running of the business and/or to enable individuals to be paid. In such cases, we will apply the 'recommended' retention period. Some personal data is retained for statutory purposes, in which case we will apply the 'statutory' retention period.
- 3.3. ACT Academy Trust commit to retaining the minimum amount of personal data that is necessary for the purpose for which it is held and access to the personal data will be restricted so that it is used only for the specific purpose.
- 3.4. Personal data will be held as indicated in Appendix 1 and for no longer than the period specified below. All personal data will be destroyed securely at the end of the retention period.

Appendix 1: Retention of Personal Data

This schedule lists the principal documents held on an employee's file. The list is not exhaustive, and other documents relating to employment may also be held. Personnel files will be held for the length of employment + 6 years at which time they will be securely shredded. Documents relating to child protection or accidents at work may be held for a period of up to 25 years, in accordance with the DFE "Data protection: a toolkit for schools" and the employee will be advised of this.

Document	Period of Retention
Application Process	
Application forms and interview notes (for unsuccessful candidates)	Six months. <i>Recommended.</i>
Original job application form for successful candidate	Termination + 6 years <i>Recommended</i>
Documents Relating to Appointment Process	
Confirmation of pre-employment medical check clearance	Termination + 6 years <i>Recommended</i>
DBS certificates/copies	No requirement to retain <i>Recommended</i> If retained, maximum period six months and if in very exceptional circumstances, it is considered necessary to retain a copy of the original certificate for longer than six months, consent should be sought from the applicant and retained on file.
Confirmation of DBS outcome and any associated docs (e.g., risk assessment or certificate of good conduct)	Termination + 25 years <i>Recommended within the DFE guidance, 'Data Protection: a toolkit for schools', February 2023</i>
Barred list clearance	Termination + 25 years <i>Recommended within the DFE guidance, 'Data Protection: a toolkit for schools', February 2023</i>
Prohibition check	Termination + 25 years <i>Recommended within the DFE guidance, 'Data Protection: a toolkit for schools', February 2023</i>
Copies of documents used for identity authentication for DBS and Asylum and Immigration Act purposes	Termination + 2 years <i>Recommended within Home Office 'An Employers Guide to Right to Work Checks', March 2023</i>
UK Border Agency Documentation (Work permit)	Termination + 2 years <i>Recommended within Home Office 'An Employers Guide to Right to Work Checks', March 2023</i>
Records relating to employees from outside of the UK e.g. visa, work permits, etc.	Termination + 2 years <i>Recommended within Home Office 'An Employers Guide to Right to Work Checks', March 2023</i>

Copies of qualifications certificates relevant to employment	Termination + 6 years <i>Recommended</i>
NQT – Satisfactory completion of skills tests	Termination + 6 years <i>Recommended</i>
Two original references	Termination + 6 years <i>Recommended</i>
Original contract acceptance	Termination + 6 years <i>Recommended</i>
Copy of contract of employment and any variation letters or side letters	Termination + 6 years <i>Recommended</i>
Disciplinary Records	
Formal disciplinary warnings – child protection related	Termination + 25 years <i>Recommended within the DFE guidance, ‘Data Protection: a toolkit for schools’, February 2023</i>
Formal disciplinary warnings – not child protection related	Termination + 6 years <i>Recommended</i>
Accidents at Work	
Accident books, accident records, accident reports	3 years from the date of the last entry (or, if the accident involves a child/young adult, then until that person reaches age 21) <i>Statutory</i>
Records relating to accident/injury at work	Termination + 12 years <i>Recommended</i> In the case of serious accidents, a further retention period may need to be considered
Financial Information	
Inland Revenue/HMRC correspondence	Termination + 6 years <i>Statutory</i>
National minimum wage records	3 years after the end of the pay reference period following the one that the records cover <i>Statutory</i>
Wage/salary records (also overtime, bonuses, expenses)	Termination + 6 years <i>Statutory</i>
Timesheets	Current year + 6 years <i>Recommended</i>

Sickness and Maternity Information	
Medical certificates/Occupational Health reports and sickness absence record	Current year + 6 years <i>Recommended</i>
SMP, SAP, SSPP records, calculations, certificates (MAT B1s) or other medical evidence, notifications, declarations and notices	3 years after the end of the tax year in which the leave period ends <i>Statutory</i>
Statutory Sick Pay records, calculations, certificates, self-certificates	Six years after the employment ceases <i>Recommended</i>
Parental leave records	Eighteen from birth/adoption of the child or if the child receives a disability living allowance <i>Recommended</i>
Other special leave of absence including parental leave, maternity leave	Current year + 6 years <i>Recommended</i>
Medical certificates/Occupational Health reports and sickness absence record	Current year + 6 years <i>Recommended</i>
Leavers Information	
Letter of resignation and acceptance of resignation or other documentation relating to the termination of employment	Termination + 7 years <i>Recommended</i>
Exit interview notes	Termination + 7 years <i>Recommended</i>
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	Six years from the date of redundancy <i>Recommended</i>
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 <i>Statutory</i>
Additional Employee Information	
Salary assessment forms – teachers	Current year + 6 years <i>Recommended</i>
Appraisal information	Current year + 6 years <i>Recommended</i>
Staff induction including NQTs Induction	Completion + 6 years <i>Recommended within DFE statutory guidance 'Induction for newly qualified teachers (England)', April 2023</i>
Working time records	2 years from the date on which they were made <i>Statutory</i>