

# RYDES HILL PREPARATORY SCHOOL & NURSERY

## P- 41 (ISI 7A) DATA RETENTION POLICY



# RYDES HILL

PREPARATORY SCHOOL & NURSERY

### MISSION STATEMENT

- ❖ Rydes Hill Preparatory School and Nursery is a Catholic School where children learn how to live in loving relationship with God and each other.
- ❖ Christian virtues of love and justice, faith and courage, hope and perseverance are fostered.
- ❖ Pupils and staff comprise individuals of different faiths and beliefs but the Rydes Hill community aspires to unity within the life of the School based on shared moral values.
- ❖ The importance placed on the development of individual talents is at the heart of what School stands for and all are encouraged and challenged to be the best they can be.

Written By :	Alison Packman – Compliance Officer	10 <sup>th</sup> May 2019
Reviewed By :	Kathryn Pillar – Bursar	21 <sup>st</sup> June 2019
Approved By :	Sarah Norville – Headmistress	21 <sup>st</sup> June 2019
Governor Review By :	Not required	

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## Revision History

Revision	Paragraph Number	Revision
May 2018		New Document
May 2019	Paragraph 14 Paragraph 15 Paragraph 16 Paragraph 21  Paragraph 22 Paragraph 37 Appendix B	Delete “provides” and replace with “engages” Add ‘knowingly’ Reference to iPad added Delete “Compliance Officer” and replace with “Headmistress’ PA”. Add final sentence. Replace “come” with “came” Replace “come” with “came” Changes to retention periods and addition of new category in “Environmental, Health & Data” section.

## Abbreviations, Acronyms , Terms and Definitions / Meanings

Abbreviation / Acronym / Term	Definition / Meaning
DSL	Designated Safeguarding Lead
DDSL	Deputy Designated Safeguarding Lead
GDPR	General Data Protection Regulations
Personal Data	Everything from which a Data Subject can be identified. It ranges from simple contact details via pupil files to safeguarding information, and encompasses opinions, file notes or minutes, a record of anyone’s intentions towards that person, and communications (such as emails) with or about them.
Processing	Any action in relation to that personal data, including filing and communication.
SEN	Special Educational Needs
Special Category Data	Some categories of Personal Data are special category data under GDPR. These comprise data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; data concerning health or data concerning a natural person’s sexual orientation; and biometric data.

## Aim / Objective / Statement of Intent

This policy applies to the whole School including EYFS. Please ensure you have read the table above for the meanings of specific terms shown in this document in italics.

1. This policy is intended to provide information about the periods of time that Rydes Hill Preparatory School and Nursery will retain data.
2. This information is provided because Data Protection Law gives individuals rights to understand and have explained to them why organisations such as the School, retain information about them. Detailed information about the data that the School holds and the legal basis for doing so is contained in our Privacy Notices. (P53 – Privacy Notice for Parents and Pupils and P54 – Privacy Notice for Job Applicants, Staff, Peripatetic Teachers, Sports Coaches, Governors & Volunteers)
3. Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) should also be aware of and comply with this Data Retention Policy.

## General

4. Data Protection Law, and from 25<sup>th</sup> May 2018, the General Data Protection Regulations (GDPR), contain strict rules about the use and storage of personal data including the following :-
  - All information held by schools needs to be justifiable, by reference to its purpose;
  - Schools should be transparent and accountable as to what they hold;
  - Schools should understand and explain the reasons why they hold data and
  - Schools should have a clear policy for data retention.
5. In addition to the above there has been specific instruction to schools with relation to the long-term retention of certain records. In the light of the Independent Inquiry into Child Sexual Abuse (IICSA), a guidance note has been issued to organisations which require the School to retain certain records for significant periods of time. Whilst Rydes Hill Preparatory School & Nursery has no reason to believe that it would ever be required to provide information to IICSA, this policy has been written with regard to this guidance whilst also balancing the practical considerations of storage, space and accessibility along with the rights of individuals.
6. A copy of the IICSA guidance note is included in Appendix A of this policy.

## Responsibility for Data Protection

7. The Governors of Rydes Hill Preparatory School & Nursery have appointed **Mrs Sarah Norville, Headmistress, and Mrs Kathryn Pillar, Bursar, as responsible for data protection.** They will deal with any requests or enquiries concerning the School's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.
8. They can be contacted as follows via email at [headmistress@rydeshill.com](mailto:headmistress@rydeshill.com) or [bursar@rydeshill.com](mailto:bursar@rydeshill.com) or via telephone on 01483 563160. You may also write to either Mrs Norville or Mrs Pillar at Rydes Hill Preparatory School & Nursery, Rydes Hill House, Aldershot Road, Guildford, Surrey GU2 8BP.
9. The School has notified the Information Commissioner's Office of its processing activities. The School's ICO registration number is Z8528148 and its registered address is Rydes Hill Preparatory School & Nursery, Rydes Hill House, Aldershot Road, Guildford, Surrey GU2 8BP.

## Why the School needs to retain data

10. In order to carry out its ordinary duties to staff, pupils and parents (prospective, current and former), the School obtains and processes a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents, peripatetic teachers, sports coaches, volunteers and governors) as part of its daily operation.
11. Certain records are also retained in order that the school can fulfil its other obligations such as:
  - Statutory duties, government guidance and other guidance relating to schools, including for safeguarding;
  - Disclosure requirements for potential future litigation;
  - Contractual obligations
  - The law of confidentiality and privacy

## Method of retention

12. The School has a variety of forms in which it holds and retains records. In this policy, the meaning of "record" is any document or item of data which contains evidence or information relating to the School, its staff or pupils. Some of this material, but not all, will contain personal data of individuals.

13. The School is in the process of converting recent paper records into a digital format in order to reduce the burden on physical storage space. Older paper records such as Certificates, Registers, photographs etc. are unlikely to be transferred into digital format for the foreseeable future.

## Digital Records

14. Digital records can be lost or misappropriated in huge quantities very quickly. Access to digital records is therefore carefully protected with the use of passwords and is accessible only to those who require it to perform their role. The School has carefully selected the systems it uses to store digital records to ensure that they are held securely. The School also engages a specialist IT contractor to support it who ensures that the school IT system is secure.
15. The school does not knowingly store records outside of the EU.
16. School staff are permitted to access digital records whilst offsite however this must be done via the use of a school encrypted laptop or school provided iPad and via the VPN link. School staff are not permitted to use their own devices to work on digital records and are only permitted to use USB sticks encrypted and provided by the School. The use of USB sticks is only allowed in very narrow circumstances such as attendance at a conference where accessing a VPN link may necessitate the use of an unsecured network such as a hotel or restaurant. Any use of USB sticks should be carefully considered and is subject to a written risk assessment.
17. Emails (whether they are retained electronically or printed out as part of a paper file) are also “records” and can be particularly important. Staff are encouraged to consider an appropriate method of electronic filing such that relevant records can be more easily retrieved and/or deleted if required.
18. All digital records **must** only be stored on the School’s secure server and should never be stored on hard drives of devices, floppy discs, USB sticks, portable hard drives etc.

## Paper Records

19. Paper records are most often damaged by damp or poor storage conditions including direct sunlight, storage with metals (such as paper clips), rubber (such as rubber bands) or plastic which can deteriorate or damage the paper.
20. Paper records which contain legally or financially sensitive data as well as personal sensitive data must be especially carefully stored so they cannot be damaged.
21. Paper archive records must be stored in the School’s Archive Room. This room is kept locked at all times and keys may be obtained only from the Headmistress’ PA/Registrar

or from the Deputy Bursar. Keys must be signed in and out and the access register signed. Items added to or removed from the Archive Room must be advised to the Headmistress' PA/Registrar. A register of items held in the Archive Room, date added and date of destruction, is maintained by the Headmistress' PA/Registrar.

22. All staff receive basic training in data management including the requirements of the Data Protection Act and the new General Data Protection Regulations which came into effect on 25<sup>th</sup> May 2018. In addition, instruction is provided in issues such as security, recognising and handling sensitive data, safeguarding records, data subject access requests and requests for erasure.

23. Staff who have specific responsibility for the management of records receive additional specific training and ensure, as a minimum, the following:

- That records – whether electronic or hard copy – are stored securely, including where possible with encryption, so that access is available only to authorised persons and the records themselves are available when required and (where necessary) searchable;
- That questions of back-up or migration are approached in line with general school policy (such as professional storage solutions or IT systems) and not individual *ad hoc* action;
- That arrangements with external storage providers – whether physical or electronic – are supported by robust contractual arrangements providing for security and access;
- That reviews are conducted on a regular basis, in line with the guidance below, to ensure that all information being kept is still relevant and – in the case of personal data – necessary for the purposes for which it is held (and if so, that it is accurate and up-to-date); and
- That all destruction or permanent erasure of records, if undertaken by a third party, is carried out securely – with no risk of the re-use or disclosure, or reconstruction, of any records or information contained in them.

### **Basis of retention periods**

24. The School has considered a variety of information when considering the retention periods stipulated in Appendix B of this policy and has had regard to all government regulation and advice.

25. One consideration in whether it is necessary or desirable to keep records is possible future litigation. Generally speaking, an institution will be better placed to deal with

claims if it has strong corporate memory – including adequate records to support its position, or a decision that was made.

26. Ideally, therefore, records would not be disposed of until the limitation period for bringing a claim has passed. For most contracts that will mean 6 years from any breach (or 12 years in case of, say, a witnessed deed) but the date to start counting from is the last day of the period under contract. Where there has been early termination, this will be the relevant date to apply (once the appeal process has been concluded); but for pupils, limitation periods will only apply from the age of 18 years.
27. The period of 6 years also applies to many claims outside contract (such as fraud, mistake or negligence). For discrimination cases it is usually only 3 months. In the case of personal injury, and some negligence claims, it is 3 years. However, if harm is only discovered later – e.g. ‘latent’ damage, or some unseen injury – then the timer only starts from the point of discovery: subject, in the case of latent property damage, to a 15-year backstop.
28. In some cases the prompt may be the end of the calendar year, so for the purpose of this policy a contingency has been generally built in (e.g. 7 years where the statutory limitation is 6 years).
29. In cases where limitation periods may be dis-applied altogether by the courts (e.g. historic abuse), the School has taken a cautious approach to record retention. It is not always possible to try a case where the evidence is inadequate, including due to lack of corporate memory (e.g. records and witnesses), however as recent cases and IICSA have shown, authorities will expect to see a full and proper record and inferences may be drawn otherwise.
30. Records which may relate to child protection or safeguarding issues, will be retained for significant periods of time. These records will be kept very secure, accessible only by the DSL and DDSL or under the supervision of the Headmistress. Records will only be shared with third parties such as:
  - Professional advisers (e.g. lawyers or insurers,)
  - Government authorities (e.g. DfE, Police or the Local Authority); and
  - Appropriate regulatory bodies. For example:
    - The Independent Schools Inspectorate (<https://www.isi.net/>)
    - The Charity Commission (<https://www.gov.uk/government/organisations/charity-commission>)
31. Notwithstanding the legal grounds and (in some cases) imperatives to do so, the longer potentially relevant personal data is retained, and the more sensitive material is kept on file, the greater the administrative and storage burden on the School. This also increases the amount of material in respect of which the School must be accountable to data



subjects (e.g. data subject access requests, right to be forgotten requests) and the consequences of data security breach become more serious.

32. It is vitally important that all staff bear in mind, when creating documents and records of any sort (and particularly email), that at some point in the future those documents and records could be disclosed – whether as a result of litigation or investigation, or because of a data subject access request. **It is therefore imperative that all records are made with the key considerations of accuracy, clarity, professionalism and objectivity.**
33. A limited and reasonable amount of information will be kept for archiving purposes, for example; and even when an individual has requested that the School no longer keep in touch with them, the School will need to keep a record of the fact in order to fulfil their wishes (called a “suppression record”).
34. The school will continue to maintain its archives of historical photographs. These are important part of the history of the school and bring much enjoyment to the wider Rydes Hill community. Please refer to our Privacy Notices P53 and P54 for further information.

## This Policy

35. The School will update this Data Retention policy from time to time.
36. Any comments or queries on this policy should be directed to **Mrs Kathryn Pillar, Bursar** via [bursar@rydeshill.com](mailto:bursar@rydeshill.com)
37. If an individual believes that Rydes Hill Preparatory School & Nursery has not complied with this policy or acted otherwise than in accordance with Data Protection Law or the General Data Protection Regulations (which came into effect on 25<sup>th</sup> May 2018), they should utilise the School Complaints Procedure, details of which can be found in P39 Complaints Procedure – Pupils and Parents, and should also notify **Mrs Alison Packman, Compliance Officer** via [alison.packman@rydeshill.com](mailto:alison.packman@rydeshill.com) . You can also make a referral to, or lodge a complaint with, the Information Commissioner’s Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.
38. This Privacy Notice has been written based on guidance provided by ISBA, Department for Education and Farrer & Co.

## List of Appendices

- Appendix A – Guidance Note from IICSA  
Appendix B – Table of Retention Periods

## Appendix A – Guidance Note from IICSA



### **Guidance Note: Retention Instructions and Data Protection requirements**

The Inquiry has issued retention instructions to a range of institutions requesting the preservation of all records relating to the care of children so that they remain available for inspection by the Inquiry. Justice Goddard also stated in her opening statement on 9 July 2015 that *“No institution – whether they have received a letter or not – can be in any doubt of the extent of their duty to preserve records for the Inquiry, or of the consequences of failing to do so”* (paragraph 77).

The Inquiry has received a number of queries about the possibility that prolonged retention of personal data in accordance with the retention instructions might engage issues of compliance with the Data Protection Act 1998. The Inquiry has therefore consulted with the Information Commissioner’s Office and, having done so, issues this Guidance to clarify the position.

Under Section 21 of the Inquiries Act 2005 the Inquiry has the power to order the production of documents. Failure to comply with such an order without reasonable excuse is an offence punishable by imprisonment (Section 35 of the Inquiries Act 2005). It is also an offence for a person, during the course of an Inquiry, to destroy, alter or tamper with evidence that may be relevant to an Inquiry, or deliberately to do an act with the intention of suppressing evidence or preventing it being disclosed to the Inquiry.

Institutions therefore have an obligation to preserve records for the Inquiry for as long as necessary to assist the Inquiry. Prolonged retention of personal data by an organisation at the request of the Inquiry would not therefore contravene the Data Protection Act 1998 provided such information is restricted to that necessary to fulfil any potential legal duties that organisation may have in relation to the Inquiry. An institution may have to account for its previous activities to the Inquiry so retention of the data will be regarded as necessary for this purpose.

The obligation to the Inquiry to retain documents will remain throughout its duration. Institutions may also incur separate legal obligations to retain documents during the course of the Inquiry, for example in relation to other legal proceedings.

## Appendix B – Table of Retention Periods

Type of Record / Document	Retention Period
<u>School Specific Records</u>	
<ul style="list-style-type: none"> <li>• School registration documents</li> <li>• Pupil Attendance Registers</li> <li>• Class &amp; Individual Peripatetic timetables</li> <li>• Staff timetables</li> <li>• Staff / Peripatetic/Visitor Signing In/Out logs</li> <li>• Academic Curriculum</li> <li>• Minutes of Governors' meetings</li> </ul>	<p>Permanent (or until closure of the school)</p> <p>100 years from date of last entry</p> <p>100 years from end of Academic Year</p> <p>80 years from end of Academic Year</p> <p>80 years from date of last entry</p> <p>8 years from end of Academic Year</p> <p>6 years from date of meeting (if specific safeguarding issues/concerns are discussed retain for 100 years)</p>
<u>Individual Pupil Records</u>	
<ul style="list-style-type: none"> <li>• Admission Reservation Forms</li> <li>• Acceptance/Registration Forms</li> <li>• Admission / Acceptance correspondence</li> <li>• FRHPS/Medical emergency contact details/parents contact details Forms/ Allergy Forms</li> <li>• References given by RH to other schools, Senior School Reports/Letters of Recommendation</li> <li>• RH Pupil Reports/Grade Cards</li> <li>• Visit/Match permission slips</li> <li>• SEN records</li> <li>• Pastoral concerns</li> <li>• Behavioural incidents</li> <li>• Sanctions including use of reasonable force/corporal punishment</li> <li>• Folders of Assessed work</li> </ul>	<p>25 years from pupil date of birth(8 years if did not attend)</p> <p>25 years from pupil date of birth(8 years if did not attend)</p> <p>25 years from pupil date of birth(8 years if did not attend)</p> <p>For that academic year only (updated annually)</p> <p>10 years from pupil leaving RH</p> <p>10 years from pupil leaving RH</p> <p>Until pupil leaves the school unless incident occurred</p> <p>Until pupil reaches age of 35 (or 100 years if incident occurred)</p> <p>100 years</p> <p>10 years (unless there is a safeguarding record – then 100 years)</p> <p>10 years unless reasonable force or corporal punishment is recorded – then 100 years</p> <p>10 years from pupil leaving RH (unless there is a</p>

<ul style="list-style-type: none"> <li>Records of specific pupil focussed communication with parents/guardians</li> <li>Historical Photograph Albums &amp; future publications of the history of the School.</li> <li>Formal Complaints</li> <li>Data Subject Access Requests</li> <li>Data Subject Erasure Requests</li> </ul>	<p>safeguarding record – then 100 years)</p> <p>5 years from pupil leaving RH (unless there is a safeguarding, SEN or pastoral concern in which case the retention period relating to these records should be adhered to)</p> <p>Permanent unless an individual specifically requests that their image be removed and then only if individual can be positively identified in the photographs. Where a pupil's image has already been published it will not be possible to remove this however no further reprints of the book will be reordered until the image has been removed. <i>NB This applies to pupils, staff, visitors etc.</i></p> <p>Whether upheld or not, all records lodged under the complaints procedure to be retained for 25 years from pupil date of birth (unless they relate to a safeguarding incident in which case they should be added to safeguarding record and retained for 100 years)</p> <p>Once related activity is complete, a log of information provided under the request is to be kept (but not the actual data itself) along with the original request and any associated communication for a minimum of 5 years unless the data contained safeguarding information in which case it must be added to the safeguarding file and retained for 100 years.</p> <p>Record of the erasure request must be retained but only first and last name and date of birth should be retained in order that the request can be fulfilled in the event of data back-up restoration for example. A log of types of information deleted/destroyed, method and date of deletion/destruction should be kept for 5 years. If it is not possible to positively identify the subject in images then the data subject must be informed of this.</p>
<p><u>Safeguarding</u></p> <ul style="list-style-type: none"> <li>Policies and procedures</li> <li>DBS disclosure certificates (if held)</li> <li>Accident / Incident / Concerns</li> </ul>	<p>Permanent – even if school were to close. Keep a permanent record of all historic safeguarding/child protection policies.</p> <p><u>No longer than 6 months</u> from decision on recruitment, unless DBS specifically consulted. Keep check of records conducted in Single Central Register including certificate number.</p> <p>100 years</p>

<ul style="list-style-type: none"> <li>• Child Protection</li> </ul>	<p>Permanent – even if school were to close. Keep a permanent record of all historic policies.</p>
<p><u>Accounting Records</u></p> <ul style="list-style-type: none"> <li>• Bank Statements, VAT returns, tax returns, etc</li> <li>• Pension &amp; Payroll Information incl SSP, SMT etc</li> <li>• Budget and Internal financial reports</li> <li>• Pupil Fees Billing/Payment Information</li> </ul>	<p>Minimum 7 years</p> <p>6 years after employee’s last date of employment</p> <p>7 years</p> <p>7 years from date pupil leaves school</p>
<p><u>Employee / Personnel Records</u></p> <ul style="list-style-type: none"> <li>• Single Central Record</li> <li>• Contracts of employment</li> <li>• Employee appraisals or reviews</li> <li>• Job application and interview records, reference checks, copies of identity documents, copies of qualifications, medical checks, right to work checks etc.</li> <li>• Grievance Records</li> </ul>	<p>Keep a permanent record of all mandatory checks that have been undertaken (but not DBS certificate itself – just number)</p> <p>7 years from effective date of end of employment</p> <p>Duration of employment + 7 years unless there is any information which may be relevant to historic safeguarding claims. Then retain for 100 years.</p> <p><u>For successful applicants</u> – duration of employment + 7 years unless there is any information which may be relevant to historic safeguarding claims. Then retain for 100 years.</p> <p><u>For unsuccessful applicants</u> – For a period of 6 months unless employee has requested we retain it for longer but no longer than 2 years.</p> <p>7 years from effective date of end of employment unless there is any information which may be relevant to historic safeguarding claims. Then retain for 100 years from date of birth of pupil involved.</p>
<p><u>Contracts and Agreements</u></p> <ul style="list-style-type: none"> <li>• Signed or final/concluded agreements (<i>plus any signed or final/concluded variations or amendments</i>)</li> <li>• Deeds (or contracts under seal)</li> <li>• Privacy Notices from 3<sup>rd</sup> party suppliers/contractors/service providers</li> </ul>	<p>Minimum – 7 years from completion of contractual obligations or term of agreement, whichever is the later</p> <p>Minimum 13 years from completion of contractual obligation or term of agreement.</p> <p>7 years from completion of contractual obligations or term of agreement, whichever is the later</p>

<p><u>Insurance Records</u></p> <ul style="list-style-type: none"> <li>• Insurance policies (will vary – private, public, professional indemnity)</li> <li>• Correspondence related to claims / renewals / notification re: insurance</li> </ul>	<p>65 years from expiry of policy</p> <p>Minimum – 7 years</p>
<p><u>Environmental, Health &amp; Data</u></p> <ul style="list-style-type: none"> <li>• Maintenance logs</li> <li>• Accidents to children <sup>4</sup></li> <li>• Accidents at work records (staff) <sup>4</sup></li> <li>• Staff use of hazardous substances <sup>4</sup></li> <li>• Operational Risk assessments (carried out in respect of above) <sup>4</sup></li> <li>• Educational Trip risk assessments</li> <li>• Data protection records documenting school processing activity, data breaches</li> </ul>	<p>10 years from date of last entry</p> <p>25 years from birth (longer for safeguarding)</p> <p>Minimum – 4 years from date of accident, but review case-by-case where possible</p> <p>Minimum – 7 years from end of date use</p> <p>7 years date of writing where risk assessment is superseded</p> <p>21 years from date the individual trip was completed</p> <p>No limit : as long as up-to-date and relevant (as long as no personal data held)</p>

#### NOTES:

1. General basis of suggestion: Some of these periods will be mandatory legal requirements (e.g. under the Companies Act 2006 or the Charities Act 2011), but in the majority of cases these decisions are up to the institution concerned. The suggestions will therefore be based on practical considerations for retention such as limitation periods for legal claims, and guidance from Courts, weighed against whether there is a reasonable argument in respect of data protection.
2. The High Court has found that a retention period of 35 years was within the bracket of legitimate approaches. It also found that it would be disproportionate for most organisations to conduct regular reviews, but at the time of writing the ICO (Information Commissioner's Office) still expects to see a responsible assessment policy (eg every 6 years) in place.
3. Retention period for tax purposes should always be made by reference to specific legal or accountancy advice.
4. Be aware that latent injuries can take years to manifest, and the limitation period for claims reflects this: so keep a note of all procedures as they were at the time, and keep a record that they were followed. Also keep the relevant insurance documents.