RECORDS RETENTION AND DISPOSAL POLICY

Newton Burgoland Primary School

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1. Introduction

1.1. This policy is a part of a set of Information Governance policies and procedures that support the delivery of the Information Governance Framework. It should be read in conjunction with these associated policies.

1.2. Physical or electronic documents and records may need to be retained in order to fulfil statutory or regulatory requirements, to evidence events/agreements in the case of dispute(s) or meet operational needs.

1.3. However, keeping personal data for longer than necessary without a lawful basis breaches the storage limitation principle under UK GDPR and may be unlawful.

1.4. The untimely destruction of documents to which one or more of the criteria in paragraph 1.2 is applicable, could cause Newton Burgoland Primary School difficulty in defending a claim or prosecution brought against it or could cause operational problems or embarrassment to the organisation. Conversely, retaining records for too long could result in a breach of the General Data Protection Regulation and Data Protection Act 2018. The permanent retention of all documents and records is undesirable, uneconomical and unsustainable.

1.5. This policy, therefore, outlines the need for records to be retained for agreed periods of time, reviewed if necessary, and disposed of according to rules which will be clearly stated on retention schedule documents.

2. Scope

2.1 This policy applies to everyone who has access to newton Burgoland

Primary school information, information assets or IT equipment. These people are referred to 'users' in this policy. This may include, but is not limited to employees, temporary workers, partners and contractual third parties.

2.2 This policy is relevant to records of Newton Burgoland Primary School. A 'record' is defined as follows:

2.3 Information that is **created or received, captured, and maintained as evidence** of the business of Newton Burgoland Primary School, due to its operational, legal or financial value to the organisation.

2.4 This policy covers records in all physical and electronic formats; including, but not restricted to:

- Paper;
- Electronic documents;
- E-mails;
- Voicemail;
- Web records such as blogs, wikis and discussion threads;
- Other records created in social media used for business purposes, such as Twitter;
- Visual images such as photographs;
- Scanned images;
- Microform, including microfiches & microfilm;
- Records stored on removable media, such as audio and video tapes, memory sticks, CDs, DVDs and cassettes;
- Published web content (Intranet/Internet/Extranet); and
- Databases and spreadsheets.

This policy will also cover formats that are developed and used in the future.

2.1. This policy does not cover documents that are not Newton Burgoland Primary School documents for example, non-work-related emails, stationery or reference material.

3. Definitions

3.1. See 'Appendix C Glossary'

4. Aims of the Policy

4.1. To promote the development and approval of a retention and disposal schedule which will enable improved and consistent record retention and disposal practices across Newton Burgoland Primary School

4.2. To ensure that Newton Burgoland Primary School only retains records that are required by law or to support the activities or transactions of the organisation;

4.3. To outline the standards that must be met to ensure appropriate retention and disposal of Trust / School records;

4.4. To ensure that the Trust / School complies with relevant regulations and legislation, for example the General Data Protection Regulation and Data Protection Act 2018;

4.5. To protect Newton Burgoland Primary School against the risks associated with retaining records for too long, or disposing of them too soon;

4.6. To promote the identification of records which require permanent preservation to ensure protection of Newton Burgoland Primary School memory;

4.7. To ease pressures on physical and electronic storage space, facilitate fast retrieval of records, and improve staff confidence in records, by reducing the volume of records that are kept unnecessarily.
4.8. To ensure that when additional information governance rules (for example security classifications) are applied to records, this is carried out in the most efficient way possible, as these rules will only be applied to records that actually need to be retained.

5. Statement of Policy Retention of Records

5.1. It is a requirement of this policy that all Newton Burgoland Primary School records are retained and disposed of in accordance with clear rules agreed between relevant School function, Record Managers, and taking into account legal or regulatory requirements. Rules stating how long records will be kept for (retention periods), and the manner of disposal at the end of these retention periods, will be outlined in the Schools/Trusts retention and disposal schedule, which will be subject to an annual review. Retention periods should be assigned to existing records retrospectively (as far as possible) and to all newly created records.
5.2. The length of the retention period will depend on the type of record and its value to Newton Burgoland Primary School and any legislation or standards that might apply. Where possible, disposal, review or transfer dates will be recorded on, or within the record or collection of records.
5.3. The data retention Schedule will be approved by the Data protection officer before implementation, be version-controlled, regularly reviewed, and updated when legal retention requirements change.
5.4. The retention schedule will be made available to all staff in an accessible format.
5.5. Most records will need to be kept for a reasonable period of between six months and six years, however they may be retained for longer periods when:
- The information contained in them is relevant to a legal action which has been started or is pending. If such action is pending, a note should be appended to any physical file stating that the records should not be destroyed. Electronic records should be flagged to prevent erasure;
- There is a legal/organisational necessity to keep specific records for longer than the six year period;
- They are required to be kept longer by statute. A number of Acts, for example the Latent Damage Act (1986), and regulations govern the retention of certain types of records;
- They consist of information maintained for the purpose of retrospective comparison. For example, tracking service improvement or service profiling data;
- They are required for the purpose of staff disciplinary proceedings; or
- They relate to contracts 'under seal' between Newton Burgoland Primary School and a third party.

5.6. The School retention schedule will be created within a standard template, an example of which can be found in Appendix A and B.
5.7. Where records contain personal information, the fifth principle of the GDPR must be satisfied – 'personal data should not be kept for longer than necessary'.
5.8. As far as possible, similar records across the organisation will be held for the same length of time. The School/trust information governance (IG)

team will have an over-arching role in the development of the School/trust retention schedule, to ensure this consistency is achieved.

5.9. The School/trust retention schedule will take account of any existing schedules during development, and will supersede these once it has been approved, in order to achieve consistency as outlined in 5.9. As an example, the retention rules for key financial documents are currently set out within an appendix to the existing Financial Procedure Rules, which will be removed once the School/trust schedule is in place.

5.10. Documents that are not Newton Burgoland Primary School records, as per the examples in 2.4, should be disposed of once their usefulness has passed.

6. Disposal of Records

6.1. Records must be disposed of appropriately and irreversible once their retention period has expired. Records should not be retained beyond disposal dates, and therefore services must consider the practicality of disposing of records in accordance with the relevant date.

6.2. Physical and electronic records must be disposed of appropriately in line with the 'guidance on the disposal of records', available here.

6.3. Retention rules must cover 'archived' data and data held on back up tapes, to ensure clarity over when a record has actually been deleted. The IT Department are responsible for the destruction of data held on back-up tapes in line with the retention schedule.

6.4. Where records are destroyed a record must be kept, containing all the information outlined in the template at Appendix B. Disposal records should demonstrate that the disposal was in accordance with this policy or a written record should be made justifying the reasons for departure from this policy. If records are destroyed by external organisations on behalf of Newton Burgoland Primary School a certificate of destruction should be provided to, and held by, the relevant Records Manager.

6.5. If a record due for destruction is known to be the subject of a request for information under the Data Protection Act 2018 or Freedom of Information Act (2000), destruction should be delayed until disclosure has taken place or, Newton Burgoland Primary School has decided not to disclose the information, until the complaint or appeal provisions of the relevant legislation have been exhausted.

6.6. Newton Burgoland Primary School will ensure third party processors destroy the data they process on behalf of the school written into the contract with the processor,

7. Review of Records

7.1. When a review date is reached, a review should be undertaken to determine if the record can be disposed of, or if a further review or disposal date needs to be assigned. Where records are not destroyed as a result of review, this action, and the reasons for it, must be clearly justified, and documented within the disposal record.

8. Duplicate Records

8.1. Many records will exist in both electronic and physical formats, and multiple copies may exist. The creation of duplicate records should be kept to a minimum, for example when copies of meeting papers are printed, these

copies should be disposed of as soon as they are no longer needed for reference. If duplication is necessary, then a decision must be taken as to which copy is the 'master' copy record, and retention rules should reflect this decision. If one copy is destroyed but others still exist, then Newton Burgoland Primary School still holds the information, and this could increase the risk of a breach of the GDPR or Data Protection Act 2018.

8.2. Where the decision is taken that an electronic copy is the 'master' copy of a record, then consideration must be given to any potential legal admissibility issues that may arise. For further information please contact the School/trust information governance team.

9. Roles and Responsibilities

9.1. Any records created by employees of Newton Burgoland Primary School or transferred to Newton Burgoland Primary School by an external organisation, become a School/trust asset, and are the property Newton Burgoland Primary School Individual employees are responsible for ensuring that:

- The policy and any related procedures are adhered to;
- All records, regardless of format, are managed in line with School/trust policy; and
- The School/trust retention schedule, once approved, is adhered to, and consequently records are disposed of or reviewed as necessary.

9.2. Chief Officers will be responsible for:

- ensuring that users are fully informed of their obligations and responsibilities with respect to information governance policies, standards, guidelines and procedures;
- ensuring that breaches of information governance policies are brought to the attention of the appropriate employee assigned responsibility for information governance, at the earliest opportunity; and
- ensuring that temporary staff or external contractors only access information required to perform their duties and are provided information security training before handling any information.

9.3. Directorate Records Managers will be responsible for developing, advising and monitoring compliance with record retention and disposal schedules and supervising records access and permission controls.

9.4. The IT Department will be responsible for ensuring that future technologies procured allow access to electronic records for the duration of relevant retention periods.

10. Training and Awareness

10.1. Appropriate training will be made available for existing staff that have responsibility for information governance duties.

10.2. All staff will be made aware of their obligations for information governance through effective communication programmes.

10.3. Each new employee will be made aware of their obligations for information governance during an induction programme.

10.4. Training requirements will be reviewed on a regular basis to take account of the needs of the individual, and to ensure that staff are adequately trained.

10.5. Annual refresher training will be given to all staff.

11. Policy Compliance and Audit

11.1. Failure to observe the standards set out in this policy may be regarded as serious and any breach may render an employee liable to disciplinary action, which may include dismissal. The Disciplinary procedure is part of the Local Conditions of Employment. Any disciplinary investigation resulting from a breach of this policy will be undertaken by the line manager

11.2. Non-compliance with this policy could have a significant effect on efficient operation and may result in financial loss and an inability to provide necessary services to our customers. Newton Burgoland Primary School will undertake audits as required to monitor compliance with its information governance policies.

11.3. Occasionally there may be situations where exceptions to this policy are required, as full adherence may not be practical, could delay business critical initiatives or could increase costs. These will need to be risk assessed on a case by case basis. Where there are justifiable reasons why a particular policy requirement cannot be implemented, a policy exemption may be requested by following the policy exemption process, available here. Exemptions may be granted on a temporary or permanent basis. All exemptions will be subject to review.

11.4. Any user who does not understand the implications of this policy or how it may apply to them, should seek advice from their immediate line manager.

12. Data Subjects Rights

12.1. The retention of records must not prevent [organisation name] from fulfilling its obligations under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 in respect of data subject rights.

12.2. Data subjects have the right to:

Access – to request a copy of their personal data and associated information.

Rectification – to request corrections to inaccurate or incomplete personal data.

Erasure ("right to be forgotten") – to request the deletion of their personal data where there is no lawful basis or overriding legal obligation to retain it.

Restriction of processing – to request that processing of their personal data is limited in specific circumstances.

Objection – to object to the processing of their personal data where applicable.

12.3. Where a data subject exercises the right to erasure, [organisation name] will:

- Review the request against the retention schedule to determine whether there is a lawful basis or statutory requirement for continued retention.
- Where no such basis exists, securely and permanently delete the relevant records, ensuring deletion from all systems, backups, and archives within a reasonable timeframe.
- Where a lawful basis for retention exists, inform the requester of the reason for continued retention and the anticipated date of

deletion, if applicable.

12.4. Any decision to refuse a request for erasure or restriction will be documented, together with the legal justification, in order to meet accountability obligations under UK GDPR Article 5(2).

12.5. All requests from data subjects will be handled in accordance with Newton Burgoland Primary School's Data Protection Policy and the statutory timeframes for response.

13. Policy Governance

13.1. The following table identifies who within the School is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- Responsible – the person(s) responsible for developing and implementing the policy.
- Accountable – the person who has ultimate accountability and authority for the policy.
- Consulted – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- Informed – the person(s) or groups to be informed after policy implementation or amendment.

Responsible	Chief Information Officer
Accountable	Senior Information Risk Owner (SIRO) - Deputy Chief Executive
Consulted	Information Management Board (IMB), Records Managers Group
Informed	All users and persons with management or oversight responsibility for users

14. Review and Maintenance

14.1. This policy will be reviewed annually, or as appropriate and in response to changes to legislation or School policies, technology, increased risks & new vulnerabilities or in response to security incidents.

Appendix A: Example of School Retention Schedule

Area: Owner	Section	File Description	type: paper digital or both	Lawful Reason for collecting &/or sharing Personal Information	Special Category - additonal Lawful Reason for collecting &/or sharing Personal Information	Is there an outstadning SARS request on these records yes/ no	Third Parties Information Shared With	Retention Period	Retention Notes	End of Life Disposal	Member of staff in charge of deletion
Admin	Pupil	Data Sheet - General	both	Legal Obligation			Local Authority	23 Years	After	Secure	Paula

Example of disposal template

A	B	C	D	E	F	G	H	I
Directorate	Service	Type of File and Description.	Is there an outstanding SAR, request on these records?	Amount (no. of boxes, files, etc)	Date of Disposal or Review	Action Taken	Justification	Name of staff member in charge of deletion
Management information system	Generic data mangement system inc.	Digital records	No	3 files	22.01.2020	Deletion	Staff member left school so removal of details from management system	J. Smith

Appendix B Glossary

- **Certificate of destruction**: A document which has been issued by the 3rd party to confirm the data has been destroyed
- **Information assets**: An information asset is a body of knowledge that is organized and managed as a single entity.
- **Information Governance**: The way organisations process or handle information. It covers personal information, relating to patients/service users and employees and corporate information such as financial and accounting records.
- **Legislation**: Legislation is a law or a set of laws that have been passed by Parliament
- **Permission controls**: are a security layer designed to govern a single user's permissions to perform certain actions within a product.
- **Personal information/data**: Personal information/data is information that relates to an identified or identifiable individual.
- **Records**: Examples include documents, books, paper, electronic records, photographs, videos, sound recordings, databases, and other data compilations that are used for multiple purposes, or other material, regardless of physical form or characteristics.
- **Request for information**: Any letter or email to a public authority asking for information is a request for recorded information under the Act.
- **Retention Period**: The retention period is the period of time a type of record is going to be hold for.
- **Retention Schedule**: A retention schedule sets out the amount of time that the School/trust needs to keep certain types of records. It applies to records in all formats, including paper and electronic information. Retention schedules should identify and describe record collections, series or systems, not individual records.