



GDPR RECORD RETENTION POLICY (Employment)

Reviewed by: Admin Manager

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Approved by the Board of Trustees on:

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Record retention policy

1 Introduction

- 1.1 This policy sets out how long employment-related information will normally be held by us and when that information will be confidentially destroyed.

2 Responsibility

- 2.1 **Our Data Protection officer is Sarah O'Farrell, Admin Manager** is responsible for implementing and monitoring compliance with this policy.
- 2.2 They will undertake a bi-annual review of this policy to verify that it is in effective operation.

3 Our process

- 3.1 Information (hard copy and electronic) will be retained for at least the period specified in our Records retention schedule (sometimes known as a Data retention schedule or guidelines) (see **the Appendix**).
- 3.2 All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.
- 3.3 Hard copy and electronically-held documents and information must be deleted at the end of the retention period.
- 3.4 Hard copy documents and information must be disposed of by shredding.

THE APPENDIX
RECORDS RETENTION SCHEDULE

Record Retention Schedule (employment)

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Introduction

This Record retention schedule accompanies and is incorporated into Bristol Steiner School's Record management policy. It sets out the time periods that different types of (employment-related) business records must be retained for business and legal purposes. This is a relatively lengthy document listing the many types of employment-related records used by Bristol Steiner School and the applicable retention periods for each record type.

The retention periods are based on business needs and legal requirements. If you maintain any types of records that are not listed in this Schedule, and it is not clear from the existing record types in this Schedule what retention period should apply, please contact **Sarah O'Farrell**, our Data Protection Officer, for guidance.

Any deviation from the retention periods in this Schedule must be approved in advance by The Chair of Trustees.

1 Employment records

1.1 Personnel records

Record	Recommended retention period	Storage format	Reference
Rejected job applicant records, including: contact details application letters or forms CVs references certificates of good conduct interview notes assessment and psychological test results	Six months after applicant is notified of rejection <i>Application forms should give applicants the opportunity to object to their details being retained</i>	Paper or electronic	ICO Employment Practices Code para 1.7 Equality Act 2010, s 123
Application records of successful candidates, including:	Six years after employment ceases	Paper or electronic	Limitation Act 1980 (LA 1980), s 5

Record	Recommended retention period	Storage format	Reference
<p>application letters or forms</p> <p>copies of academic and other training received</p> <p>references</p> <p>correspondence concerning employment</p> <p>CVs</p> <p>interview notes and evaluation forms</p> <p>assessment and psychological test papers and results</p>			
<p>Criminal records information:</p> <p>criminal records requirement assessments for a particular post</p> <p>criminal records information forms</p> <p>the Disclosure and Barring Service (DBS) check forms</p> <p>DBS certificates</p>	<p>Criminal records requirement assessments for a particular post—12 months after the assessment was last used</p> <p>All other information in this category—as soon as practicable after the check has been completed and the outcome recorded (ie whether satisfactory or not) unless, in exceptional circumstances, the data protection officer assesses that it is clearly relevant to the ongoing employment relationship [<i>eg to allow for consideration and resolution of any disputes or complaints</i>] in which case, six months</p> <p>If the data protection officer considers it necessary to keep the information for longer than six months, the DBS should be consulted</p>	<p>Paper or electronic</p>	<p>DBS guidance for employers: Duration of criminal record check validity</p> <p>ICO Employment Practices Code Nov 2011, part 1.7.4</p>
<p>Employment contracts, including:</p> <p>personnel and training records</p> <p>written particulars of employment</p>	<p>Six years after employment ceases, unless document executed as a deed, in which case 12 years after employment ceases</p>	<p>Paper or electronic</p>	<p>LA 1980, ss 5, 8</p>

Record	Recommended retention period	Storage format	Reference
changes to terms and conditions			
Directors' service contracts and any variations	Six years from termination or expiry of the contract, unless executed as a deed, in which case 12 years from termination or expiry	Paper or electronic	LA 1980, ss 5, 8 Companies Act 2006, ss 227 and 228
Copies of identification documents (eg passports)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, Art 6(1)(b)
Identification documents of foreign nationals (including right to work)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, art 6(1)(b)
Records concerning a temporary worker	Six years after employment ceases	Paper or electronic	LA 1980, s 5
Employee performance records, including: probationary period reviews review meeting and assessment interviews appraisals and evaluations promotions and demotions	Six years after employment ceases	Paper or electronic	LA 1980, s 5
Records relating to and/or showing compliance with Working Time Regulations 1998 including: registration of work and rest periods working time opt-out forms	Two years from the date on which the record was made	Paper or electronic	Working Time Regulations 1998, SI 1998/1833, reg 9

Record	Recommended retention period	Storage format	Reference
Redundancy records	Six years from date of redundancy	Paper or electronic	LA 1980, s 5
Annual leave records	Six years after the end of each tax year	Paper or electronic	LA 1980, s 5
Parental leave records	Six years after the end of each tax year	Paper or electronic	LA 1980, s 5
Sickness records	Six years after the end of each tax year	Paper or electronic	LA 1980, s 5
Records of return to work meetings following sickness, maternity etc	Six years the end of each tax year	Paper or electronic	LA 1980, s 5

1.2 Payroll and salary records

Record	Recommended retention period	Storage format	Reference
Records for the purposes of tax returns including wage or salary records, records of overtime, bonuses and expenses	Six years	Paper or electronic	Taxes Management Act, 1970 s 12B Finance Act 1998, Schedule 18, para 21
Pay As You Earn (PAYE) records, including: wage sheets deductions working sheets calculations of the PAYE income of employees and relevant payments	Three years	Paper or electronic	Income Tax (Pay As You Earn) Regulations 2003, SI 2003/2682, reg 97
Income tax and NI returns, income tax records and correspondence with HMRC	Three years after the end of the financial year to which they relate	Paper or electronic	Income Tax (Employments) Regulations 1993, SI 1993/744, reg 55

Record	Recommended retention period	Storage format	Reference
Records demonstrating compliance with national minimum wage requirements	Three years beginning with the day upon which the pay reference period immediately following that to which they relate ends	Paper or electronic	National Minimum Wage Regulations 2015, SI 2015/621, reg 59
Details of benefits in kind, income tax records (P45, P60, P58, P48 etc), annual return of taxable pay and tax paid	Six years (but general time limit under the TMA 1970 is reducing to four years from 1 April 2012)	Paper or electronic	Taxes Management Act 1970
Employee income tax and national insurance returns and associated HMRC correspondence	Three years from end of tax year to which they relate	Paper or electronic	Income Tax (Pay as You Earn) Regulations 2003, SI 2003/2682, reg 97
Statutory sick pay (SSP) records	Three years after the end of the tax year to which they relate	Paper or electronic	The requirement to maintain SSP records for three years after the end of the tax year to which they relate was revoked in 2014, but an employer may still be required by HMRC to produce such records as are in his possession or power which contain, or may contain, information relevant to satisfy HMRC that statutory sick pay has been and is being paid. The Statutory Sick Pay (General) Regulations 1982, SI 1982/894, reg 13(A)
Wage or salary records (including overtime, bonuses and expenses)	Six years	Paper or electronic	Taxes Management Act 1970, s 43
Records relating to hours worked and payments made to workers	Three years	Paper or electronic	National Wage Act 1998, s 9 The National Wage Regulations 1999, reg 38

Record	Recommended retention period	Storage format	Reference
Statutory maternity, paternity and shared parental pay records, calculations, certificates or other evidence	Three years after the end of the tax year in which the period of statutory pay ends	Paper or electronic	Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 26

2 Health and safety records

Record	Recommended retention period	Storage format	Reference
Records of reportable injuries, diseases or dangerous occurrences reportable incidents reportable diagnoses injury arising out of accident at work (including [<i>insert organisation's name</i>]'s accident book)	Three years from date of the entry	Paper or electronic	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013), SI 2013/1471, reg 12
Lists or register of employees who have been exposed to asbestos dust, including health records of each employee	40 years from the date of the last entry made in the record	Paper or electronic	Control of Asbestos Regulations 2012, SI 2012/63, reg 22(1)
Medical records and details of biological tests under the Control of Lead at Work Regulations	40 years from the date of the last entry made in the record	Paper or electronic	The Control of Lead at Work Regulations 2002 (CLAW 2002), SI 2002/2676, reg 10
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry made in the record	Paper or electronic	The Control of Substances Hazardous to Health Regulations 2002 (COSHH 2002), SI 2002/2677, reg 11
Records of monitoring of exposures to hazardous substances (where	Where the record is representative of the personal exposures of identifiable employee—	Paper or electronic	COSHH 2002, reg 10(5)

Record	Recommended retention period	Storage format	Reference
exposure monitoring is required under COSHH)	40 years from the date of the last entry made in the record Otherwise, five years from the date of the last entry made in the record		
Records of tests and examinations of control systems and protective equipment under COSHH	Five years from the date on which the record was made	Paper or electronic	COSHH 2002, reg 9
[Medical records under the Ionising Radiations Regulations 1999]	[Until the person to whom the record relates reaches or would have reached 75 years of age, but in any event for at least 50 years from the date of last entry]	[Paper or electronic]	[Ionising Radiations Regulations 1999, SI 1999/3232, reg 24]