

# Richmond & Hillcroft Adult & Community College Data and Records Management and Protection Policy

## Introduction

Richmond and Hillcroft Adult and Community College recognises that the efficient and secure management of its data and records is necessary to support the College's core functions and to comply with its legal and regulatory obligations.

All information containing personal data is carefully considered before acquisition, classified and protected against unauthorised access, accidental loss or destruction, modification or disclosure, ensuring that data owners and subjects are aware of their rights and responsibilities.

## Aim

The purpose of this policy is to ensure compliance with the Data Protection Act 2018. The College will ensure that information about our learners, staff and other clients is collected and used fairly, processed effectively, stored safely, and not unlawfully disclosed to any other person.

## A. Scope of the Policy

This policy applies to all records and data created, received or maintained by College staff or systems in the course of carrying out corporate functions.

Records are defined as all those documents and data which facilitate the business carried out by the College and which are thereafter retained to provide evidence of its transactions or activities. Records may be created, received and retained electronically or in hard copy. The College will make a conscious effort to move record processing to an electronic format where possible to facilitate control of data and records that would typically have limited control once printed.

Some of the College's records may be selected for permanent preservation as part of the College's archives, for example, for legal compliance and as an enduring record of the conduct of the business.

Owner:	Director of MIS and IT	Approved by:	Board
Review interval:	2 years	Approved on:	18 July 2018
Date of next review:	July 2020	Post to website:	Yes

## **B. Roles and Responsibilities**

The College has a corporate responsibility to maintain its records and record-keeping systems in accordance with the regulatory environment. Individual employees must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with the College's records management guidelines.

## **C. Compliance**

Compliance with this policy will facilitate compliance not only with information-related legislation (specifically the Freedom of Information Act 2000 and the Data Protection Act 2018), and Human Rights Act 1998 (Article 10 right to privacy) but also with any other legislation or regulations (including audit, equality and diversity) affecting the College.

## **D. Retention and Disposal of Records**

The College will:

- identify records that it is appropriate to archive and centrally manage the archiving
- consider issues such as cost, space utilisation, long term quality of storage, the medium of storage and accessibility when determining how to archive materials
- regularly review materials that are archived and dispose of materials that it is no longer appropriate to retain.

The Senior Management Team has overall responsibility for the implementation of this policy and in consultation with appropriate colleagues will determine the most suitable method.

Senior Management Team should regularly (ideally once per annum) review all materials to be archived and those no longer appropriate to archive.

They should also ensure that all archive material is stored in such a manner as to be safe and that access to such material is controlled to ensure the confidentiality of personal data.

Senior Management Team will also ensure that the disposal of material no longer required is carried out in a manner that is safe and takes into account the confidential and sensitive nature of the data.

## **E. Appendices**

Appendix 1 – Records Retention Period

Appendix 2 - Retention of European Regional Development Fund (ERDF) and European Social Fund (ESF) Project Files To 2030

Owner:	Director of MIS and IT	Approved by:	Board
Review interval:	2 years	Approved on:	18 July 2018
Date of next review:	July 2020	Post to website:	Yes

## Appendix 1- Records Retention Period

Sets out guidelines for the retention period of records created and maintained by the College in the course of its business. The appendix refers to all information regardless of the media in which it is stored. Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000. This appendix will require reviewing on an annual basis.

### 1. Staff Related

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + Action at the end of the Retention Period	Location
1.1	Staff Personnel files	Data Protection and HR Policies and Procedures	Yes	Both	Termination + 10 years	Limitation period for litigation; Provision of references	Head of HR SHRED/ DESTROY	HR Office
1.2	Timesheets; Wages and salary records	Financial Regulations	Yes	Both	6 years from the last date of employment	Period of possible inspection	Payroll Officer SHRED/ DESTROY	HR Office
1.3	Recruitment including application forms and interview notes (Where applicant is success this becomes part of their record)	Recruitment and Selection Policy	Yes	Both	Date of Interview + 6 months (Unless applicant is informed and agrees that we would like to retain records for consideration for future vacancies Or Bank staff.)	Monitoring and conducting of the recruitment process	Head of HR SHRED/ DESTROY	HR Office

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + Action at the end of the Retention Period	Location
1.4	Advertising of vacancies	Recruitment and Selection Policy	No	Electronic/Paper based	6 years	Business	Head of HR	HR Office
1.5	Pre-employment vetting information (inc. DBS checks)	DBS Guidance & Procedure	Yes	Paper based	Date of check + 6 months.	DBS regulations	Head of HR SHRED	HR Office
1.6	Disciplinary proceedings							
1.6a	☐ Stage 1 - Oral warning	Disciplinary Procedure	Yes	Paper based	Date of warning + 6 months Live After spent remains on file as per 1.1	Acas Code Guidance	Head of HR SHRED	HR Office
1.6b	☐ Stage 2 – Written warning	Disciplinary Procedure	Yes	Paper based	Date of warning + 12 months Live After spent remains on file as per 1.1	Acas Code Guidance	Head of HR SHRED	HR Office
1.6c	☐ Stage 3 – Final written warning	Disciplinary Procedure	Yes	Paper based	Date of warning + 18 Months Live  After spent remains on file as per 1.1	Acas Code Guidance	Head of HR SHRED	HR Office
1.6d	☐ Case not found after disciplinary investigations	Disciplinary Procedure	Yes	Paper based	Remains on file as per 1.1	Acas Code Guidance	Head of HR	HR Office

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + Action at the end of the Retention Period	Location
1.7	Income tax and NI Returns; Correspondence with Tax Office	Financial Regulations & Procedures	Yes	Paper based	6 years after the end of the financial year to which the records relate	Period of possible inspection	Payroll Officer SHRED	HR Office
1.8	Statutory parental pay records and calculations	Parental Leave Policy	Yes	Paper based	6 years after the end of the financial year to which the records relate	Statutory Maternity Pay (General) Regulations (1986)	Payroll Officer SHRED	HR Office
1.9	Statutory Sick Pay records and calculations	Sickness absence Policy	Yes	Paper based	6 years after the end of the financial year to which the records relate	Statutory Sick Pay (General) Regulations (1982)	Payroll Officer SHRED	HR Office
1.10	Occupational health records, health surveillance and environmental monitoring (affecting health)	Sickness absence Policy; Stress Policy	Yes	Both	10 years		Head of HR SHRED/DESTROY	HR Office
1.11	Records relating to accident/injury at work	Health & Safety Policy	Yes	Both	Date of incident + 10 years	Management of health and safety include to influence the policy  Management of civil claims	Head of HR SHRED/DESTROY	HR Office

	<b>Basic File Description</b>	<b>Related Policy/ Procedure</b>	<b>Data Protection Issues</b>	<b>Electronic/ Paper Based</b>	<b>Retention period</b>	<b>Reason</b>	<b>Responsibility + Action at the end of the Retention Period</b>	<b>Location</b>
1.12	Records held under Retirement Benefits Schemes (Information Powers) Regulations 1995		Yes	Both	Current year + 40 years		Head of HR SHRED/DESTROY	HR Office

## 2. Health and Safety

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + action at the end of the Retention Period	Location
2.1	Accident Reporting	H&S Policy	No	Both	Date of incident + 7 years for adults  Learners under 18 have until their 25 <sup>th</sup> birthday to make a claim for negligence	Purposes of Civil Claims	Events, Estates and Facilities Manager  SHRED/DESTROY	Facilities Office
2.2	COSHH	H&S Policy	No	Both	Current year + 10 years	Development and monitoring of Health and Safety policies and procedures	Events, Estates and Facilities Manager SHRED/DESTROY	Facilities Office
2.3	Incident reports	Disaster Management & Business Continuity Plan	Yes	Both	Current year + 20 years	Development and monitoring of Health and Safety policies and procedures  Management of Business Continuity Plans	Events, Estates and Facilities Manager SHRED/DESTROY	Executive Office
2.4	Policy Statements	H&S Policy	No	Both	Date of Expiry + 1 year	Development and monitoring of Health and Safety policies and procedures	Events, Estates and Facilities Manager	Facilities Office

	<b>Basic File Description</b>	<b>Related Policy/ Procedure</b>	<b>Data Protection Issues</b>	<b>Electronic/ Paper Based</b>	<b>Retention period</b>	<b>Reason</b>	<b>Responsibility + action at the end of the Retention Period</b>	<b>Location</b>
2.5	Risk Assessments	H&S Policy	No	Both	Current year + 3 years	Development and monitoring of Health and Safety policies and procedures	Events, Estates and Facilities Manager	Facilities Office
2.6	Fire log books	H&S Policy	No	Paper based	Current year + 6 years	Development and monitoring of Health and Safety policies and procedures	Events, Estates and Facilities Manager	Facilities Office



### 3. Governance and Management

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + action at the end of the Retention Period	Location
3.1	Legal Framework	Instruments & Articles of Governance	No	Electronic & Paper	Life of College and then archived for future iteration college/history	Legal Requirement	Executive PA/Clerk ARCHIVE	S:/Principal's Office/Sara George Files/Corporation/Instruments and Standing Orders Paper copies in Clerk's Office
3.2	Signed Minutes		No	Electronic	Permanent	To look back and see why decisions were made in the future and history	Executive PA/Clerk ARCHIVE  SHRED if they contain any sensitive personal information	Signed paper copies – not applicable  Electronic copies: S:/Principal's Office/Sara George Files/Corporation/Governing Body/ by date of meeting
3.3	Agendas		No	Electronic	Date of Meeting + 6 years	To look back and see why decisions were made in the future and history	Executive PA/Clerk SHRED	S:/Principal's Office/Sara George Files/Corporation/Governing Body/ by date of meeting
3.4	Reports		No	Electronic	Date of report + 6 years	To look back and see why decisions were made in the future and history	Executive PA/Clerk ARCHIVE	S:/Principal's Office/Sara George Files/Corporation/Governing Body/ by date of meeting

#### 4. Management

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + Location action at the end of the Retention Period
4.1	Minutes of the Senior and Executive Management		Yes	Electronic	Date of meeting + 6 years	Legitimate Interest and to run college	Executive PA/Clerk DESTROY  Senior: S:/Senior Management Team/ by year and date of meeting  Executive: S:/Executive Group/ by year and date of meeting
4.2	Strategic Development Plans		No	Electronic	Permanent	Legitimate Interest and to run college	Executive PA/Clerk DESTROY  Clerk's Office

#### 5. Audit

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + Location action at the end of the Retention Period
5.1	Internal and External Audit Reports	Financial Regulations	No	Electronic	6 years after publication		Director of Finance DESTROY  Director of Finance's Office

## 6. Insurance Management

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + action at the end of the Retention Period	Location
6.1	Insurance Policies – Employer’s Liability	Financial Regulations	No	Paper	Minimum of 6 years and a maximum of 40 years, subject to contracts	Management and monitoring of insurance claims	Head of Finance SHRED	Finance Office
6.2	Records of insurance claims – damage to property	Financial Procedures  Damage, Loss & Theft Procedure	Yes	Both	10 years after settlement of claim	Management and monitoring of insurance claims	Head of Finance  SHRED/DESTROY	Finance Office
6.3	Records of insurance claims – personal injury	Financial Procedures  H&S Policy	Yes	Both	10 years after settlement of claim	Management and monitoring of insurance claims	Head of Finance SHRED/DESTROY	Finance Office

## 7. Student Records

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + action at the end of the Retention Period	Location
7.1	Individual Learner Records including enrolment form and withdrawal/transfer information; change of student details	Data Protection	Yes	Both	Termination of the relationship with the student + 6 years (including records relating to a student who has withdrawn from the organisation)	Funding body audit purposes	Director of CIS and ITS and Learner Enrolment and Advice Manager  SHRED/ DESTROY	Reception/Enrolment Office
7.2	Learner Support Fund (LSF) Records		Yes	Both	Current year + 6 years	Funding body audit purposes	Learner Enrolment and Advice Manager  SHRED/ DESTROY	Reception/Enrolment Office
7.3	Applications for Admission - successful students		Yes	Both	End of relationship with student + 1 year		Learner Enrolment and Advice Manager  SHRED/ DESTROY	Reception/Enrolment Office
7.4	Applications for Admission - unsuccessful students		Yes	Both	Resolution of any appeal + 1 year		Learner Enrolment and Advice Manager  SHRED	Reception/Enrolment Office

7.5	Records relating to the registration of individual students on programmes and examination results	Data Protection Policy; Freedom of Information	Yes	Both	Termination of relationship with student +3 years		Exams Officer  SHRED/ DESTROY	Exams Office
7.6	Records documenting individual attendance at examinations and handling requests for mitigating circumstances	Data Protection Policy; Freedom of Information	Yes	Paper only	Current academic year + 1 year to point of certification		Exams Officer  SHRED/ DESTROY	Exams Office
7.7	Pass lists/awards lists	Data Protection Policy; Freedom of Information	Yes	Both	Issue of list + 3 years		Exams Officer  SHRED/ DESTROY	Exams Office
7.8	Records relating to the handling of individual student requests for personal data including statements/results/transcripts	Data Protection Policy; Freedom of Information	Yes	Both	Last action on request + 1 year		Exams Officer and Learner advice and enrolment Officer  SHRED/ DESTROY	Exams Office
7.9	Assessment and Verification records including records relating to the academic progress of individual student (including any action taken to deal with unsatisfactory progress); details relating to submission and marking of coursework	Assessment Policy	Yes	Both	Termination of relationship with student + 3 years		Tutors and Program Leaders SHRED/ DESTROY	Staff work areas

7.10	Records relating to disciplinary action (also applies to Appeals)	Student Disciplinary Procedure	Yes	Both	Last action + 3 years		SHRED/ DESTROY	Quality Office
7.11	Records relating to formal student complaints  (complaint not dealt with through Complaints procedure)	Complaints Procedure	Yes	Both	Last action + 6 years  Last action + 3 years		Director of Quality  SHRED/ DESTROY	Quality Office
7.12	Special Educational Needs files, reviews and individual education plans	Equality and Diversity Policy	Yes	Paper	Termination of relationship with student + 6 years  For learners under 18, records should be retained until their 25 <sup>th</sup> birthday as a minimum	Special Educational Needs and Disability Act 2001 Section 1	Head of School  SHRED unless any legal action pending	Foundation Learning School
7.13	Advice & Guidance Documentation	Information, Advice & Guidance Policy	Yes	Both	Termination of relationship with student + 3 years		Learner Advice and Enrolments Manager  SHRED/ DESTROY	

## 8. Child and Vulnerable Adult Protection

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + action at the end of the Retention Period	Location
8.1	Child and vulnerable adult protection files	Child and Vulnerable Adult Protection Policy	Yes	Electronic	Termination of relationship with student or for learners under 18, until their 25 <sup>th</sup> birthday	Education Act 2002, s175, related guidance "Safeguarding Children in Education," September 2004	Vice Principal – Learner Experience DESTROY	Vice Principal's office
8.2	Allegation of a child and vulnerable adult protection nature against a member of staff, including where the allegation is unfounded	Child and Vulnerable Adult Protection Policy	Yes	Both	Until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer	Employment Practices Code: Supplementary Guidance 2.13.1 (Records of Disciplinary & Grievance) Education Act 2002 guidance "Dealing with Allegations of Abuse against teachers and other staff" November 2005	Head of HR SHRED/ DESTROY	HR Office

## 9. Procurement

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + Location action at the end of the Retention Period
9.1	Tender records	Financial Regulations	Yes	Paper	6 years after completion of tendering process		Executive PA and Clerk ARCHIVE Clerk's Office
9.2	Supplier approval	Approved Supplier Procedures	No	Electronic	Current year + 6 years		Head of Finance SHRED Finance Office
9.3a	Contract records: <input type="checkbox"/> Under seal	Financial Procedures	No	Paper	Contract completion date + 12 years (Longer for buildings)		Head of Finance SHRED Finance Office
9.3b	<input type="checkbox"/> Under signature	Financial Procedures	No	Paper	Contract completion date + 6 years		Head of Finance SHRED Finance Office
9.3c	<input type="checkbox"/> Contract monitoring records	Financial Procedures	No	Paper	Current year + 6 years		Head of Finance Finance Office



## 10. Financial Management

	Basic File Description	Related Policy/ Procedure	Data Protection Issues	Electronic/ Paper Based	Retention period	Reason	Responsibility + action at the end of the Retention Period	Location
10.1	Financial records	Financial Regulations and Procedures	No	Both	Current year + 6 years	VAT and Tax Regulations; Limitation Act 1980	Head of Finance SHRED/DESTROY	Finance Office
10.2	Annual Financial Statements	Financial Regulations	No	Both	Permanently		Head of Finance ARCHIVE	Finance Office
10.3	Loans and Grants	Financial Regulations	No	Paper	Date of last payment on loan + 12 years		Head of Finance ARCHIVE	Finance Office
10.4	Risk Register	Financial Regulations  Risk Management Policy	No	Electronic	Current year + 6 years		Director of Finance DESTROY	Finance Office
10.5	Finance Returns	Financial Memorandum	No	Electronic	Current year + 6 years	VAT and Tax Regulations; Limitation Act 1980	Head of Finance DESTROY	Finance Office

**11 Property**

	<b>Basic File Description</b>	<b>Related Policy/ Procedure</b>	<b>Data Protection Issues</b>	<b>Electronic/ Paper Based</b>	<b>Retention period</b>	<b>Reason</b>	<b>Responsibility + action at the end of the Retention Period</b>	<b>Location</b>
11.1	Accessibility Plans	Equal Opportunities Policy	No	Both	Current year + 6 years	Disability Discrimination Act	Vice Principal – Learner Experience  SHRED/ DESTROY	Vice Principal’s Office
11.2	Title Deeds		No	Paper	Life of College		Principal  ARCHIVE	Principal’s Office
11.3	Plans of Buildings		No	Both	Life of College		Director of Finance  ARCHIVE	Director of Finance’s Office
11.4	Maintenance and Contractors	Financial Regulations  Approved Suppliers Procedure	No	Both	Current year + 6 years		Head of Finance/Director of Finance  SHRED/ DESTROY	Finance Office
11.5	Hires	Financial Procedures	No	Paper	Current year + 3 years		Events Manager	Events Office

## **Appendix 2 - RETENTION OF EUROPEAN REGIONAL DEVELOPMENT FUND (ERDF) AND EUROPEAN SOCIAL FUND (ESF) PROJECT FILES TO 2030**

**Sets** out the guidelines for the retention of European Social Fund (ESF) funded projects up to 2030. ESF projects funded through the current round 2014 to 2022 will be governed by similar guidelines with an expectation that records must be retained until 3 years after the European Commission make their final payment for the programme.

All projects in receipt of ERDF and ESF funds need to be aware of their obligations to comply with the European Commission (EC) regulations about preserving documents and preserving an audit trail.

Documents relating to projects supported under 2014-2022 programmes should be retained for a period of three years following the final payment by the European Commission to the Department for Communities and Local Government for ERDF and the Department for Work of Pensions for ESF. This means that documents may need to be retained to around 2030.

The following documents must be retained:

### **A. Contract and claims**

- ☒ Original ERDF/ESF application form
- ☒ Letter of approval / contract
- ☒ Evidence to substantiate match funding
  - Confirmation letters
  - Bank statements demonstrating payments received
  - Evidence for in-kind support
- ☒ Advance (ESF) and interim claim forms
- ☒ Final claim forms
- ☒ External auditor's report
- ☒ Project Closure Report forms (ESF)
- ☒ General Statements of Expenditure
- ☒ Any letters from DCLG/DWP/GOL and other responsible authorities
- ☒ Sub-contract arrangements

o Service level agreements o Tendering documents o Contracts o Monitoring strategies for delivery partners.

#### **B. Project Records**

- ☐ Project timetable and programme including modules
- ☐ Application / eligibility assessment forms
- ☐ List of beneficiaries on the project
- ☐ Project register and attendance records
- ☐ Project start and finish dates
- ☐ In and end year monitoring
- ☐ Records of achievement
- ☐ Follow-up information

#### **C. Individual Beneficiary Records (ESF)**

- ☐ Application form, including a signed declaration
- ☐ Terms and conditions of training, including individual project / training programme
- ☐ Individual attendance records including start and end date
- ☐ Suitability / assessment records
- ☐ Monitoring beneficiary progress
- ☐ Work experience records if relevant
- ☐ Copies of certificates gained
- ☐ Course evaluation forms by beneficiary
- ☐ Beneficiary follow-up form

#### **D. Financial Records**

All items on claims and project closure reports supported by source documentation:

- Working papers to show how the claim was compiled
- Staff costs - detailed salary records
- Beneficiary costs

- Other costs
- Match funding
- Invoices and payment receipts (originals)
- Accounts and bank statements
- Organisation / college based unit cost calculation (HEIs only)
- Apportionment methodology, i.e. letters to and from GOL stating methodology and agreement to it.

It is good practice to ensure that all financial information, e.g. invoices etc. are stored together on the relevant project files.

### **E. Publicity**

All evidence showing EC publicity requirements were adhered to:

- ☐ Leaflets
- ☐ Pamphlets
- ☐ News articles
- ☐ Examples of Letterhead with correct logo
- ☐ Print outs of web pages demonstrating use of logo
- ☐ Retained photograph of any billboards with logo (ERDF)

Additionally, projects must be able to demonstrate a clear audit trail when required. Audit trails should enable inspections to verify that:

- there is evidence to support the claim and that expenditure has been incurred in a proper manner;
- there is sound financial management;
- there is compliance with EC regulations and the requirements of their contract;
- interim and project closure report entries are supported by evidence of expenditure; and,
- the project represents value for money.

**F. Retention of electronic documents**

Where documents exist in electronic version only, the supporting computer systems must be secure and comply with national legal requirements - e.g. systems that comply with the requirements of Customs & Excise and Inland Revenue. Electronically stored documents and supporting systems must be relied upon for audit purposes.

Where original documents have been copied in order to comply with these conditions accepted data carriers include the following:

- photocopies of original documents;
- microfiches of original documents;
- electronic versions of original documents on optical data carriers (such as DVD, hard disk or magnetic disk).

Each document should be certified as conforming to the original document, along the lines of the example below. This is the minimum requirement and projects may add to this declaration or include additional procedures in line with their organisations policies should they wish to do so.

<p><b>I certify that this is a true copy of the original document</b></p> <p><b>Signed .....</b>      <b>Date.....</b></p> <p><b>Position in organisation.....</b></p> <p><b>Name of organisation.....</b></p>
--

Projects must keep the electronic copy of the document for the same duration as required for paper copies.