



Mill Hill
EDUCATION GROUP

Retention of Records Policy

Instilling values, inspiring minds

Retention of Records Policy

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Definitions:

The Group: Mill Hill Education Group (the 'Group') is the trading name of The Mill Hill School Foundation. It is a group of independent mainstream Schools which together educate girls and boys aged 3 to 19 years. It currently comprises:

Senior Schools (day and boarding)

Mill Hill School
Mill Hill International
Cobham Hall

Pre-Preparatory/Preparatory (day)

Grimsdell Pre-Preparatory School
Lyonsdown School
Keble Prep
St Joseph's in the Park
Belmont Preparatory School

This Policy covers all the Group's Schools.

The Foundation is a registered charity and a company limited by guarantee, employing both teaching and non-teaching staff. Legal responsibility rests with the company acting by the Court of Governors, and the Head of the respective School having day to day responsibility for the management of the schools and the care of pupils.

Data Protection Law: Data Protection Law consists primarily of the UK version of the General Data Protection Regulation (the GDPR) and the Data Protection Act 2018 (DPA 2018). The DPA 2018 includes specific provisions of relevance to independent schools: in particular, in the context of our safeguarding obligations, and regarding the right of access to personal data.

Record: means any document or item of data which contains evidence or information relating to the Group, its staff, governors, pupils or alumni. Not all of this material will contain personal data of individuals as defined in the Data Protection Law. The term Record includes material created, received and stored electronically but also paper documents.

Personal Data: means those Records which contain information about individuals such as staff, pupils, parents, contractors, consultants or other individuals, whether they are a part of the Group or some other third party.

Special Category Personal Data means sensitive personal data such as data relating to an individual in respect of their health, ethnicity, religion, sexual life, biometrics, trade union membership, politics or any criminal proceedings, offences or allegations.

The Retention of Records Policy

1. Purpose

The purpose of this Policy is to detail the procedures for the retention and disposal of Records to ensure that the Group carries this out consistently; in accordance with its legal and regulatory obligations including the provisions of Data Protection Law and to contribute to the effective overall management of the Group. Unless otherwise specified, this Policy refers to both hard and soft copy documents. This Policy must be read in conjunction with the Group's Data Protection Policy which can be found on the Group's website.

2. How Long Personal Data is Kept by The Group

The Group will retain personal data securely and only in line with how long it is necessary to keep the data for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the Group. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. Appendix A to this Policy contains suggested periods of retention for key types of Record although this is intended as a guide only and the Group reserves the right to apply different time limits depending on the circumstances. When reaching a decision as to what Personal Data to retain and for how long, the Group will take into account legal considerations including:

- Statutory duties and government guidance relating to schools including for safeguarding
- Disclosure requirements for potential future litigation
- Contractual obligations
- The law of confidentiality and privacy; and
- Data Protection Law

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested that the Group no longer keep in touch with you or retains your personal data, the Group will need to keep a record of the fact in order to fulfil your wishes.

If you have any specific queries about how this Policy is applied please contact Maxine Zeltser, Compliance Manager, in writing by email on compliance@millhill.org.uk

3. Obligations of Staff

The Group will provide basic training in data management to all staff. Such training will include data security, recognising and handling sensitive personal data and safeguarding. Those members of staff given specific responsibility for the management of records must have specific training and ensure, as a minimum the following:

- That records – whether electronic or hard copy – are stored securely, including, if 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 important records, and large or sensitive personal databases, are not taken home or – in respect of digital data – carried or kept on portable devices (whether CDs or data sticks, or mobiles and handheld electronic tablets) unless necessary, *in which case* it should be subject to a risk assessment and in line with an up-to-date IT use policy
- That questions of back-up or migration are likewise approached in line with general Group 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 (in any form, but most particularly "cloud-based" storage) – are supported by 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)
- That all destruction or permanent erasure of records, whether or not undertaken by a third party, is carried out securely – with no risk of the re-use or disclosure, or re-construction, of any records or information contained in them; and

Responsibility for monitoring compliance with this Policy rests on Compliance Manager

4. Data Security

The Group will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to Group systems. Extra consideration will be given to the retention and security of Special Category Personal Data which will be held on a limited number of devices only, with passwords provided on a need-to-know basis and regularly changed. All staff and governors will be made aware of these policies and their duties under Data Protection Law and receive relevant training.

5. Review

This Policy shall be reviewed every two years. Last review May 2023

Next review May 2025

This policy was approved by the Nomination and Governance Committee of the Court of Governors 21st September 2023.

Appendix A: Table of Suggested Retention Periods

| Type of Record/Document | <u>Suggested</u> ¹ Retention Period |
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| Email on Server <ul style="list-style-type: none"> Pupil email account Staff emails | Delete upon leaving the Group or within one year Routine deletion of historic emails after 2-3 years, and delete account within 1 year of leaving school |
| School Specific Records <ul style="list-style-type: none"> Registration documents of School Attendance Register Minutes of Governors' meetings Annual curriculum | Permanent (or until closure of the Group) 6 years from last date of entry, then archive. 6 years from date of meeting From end of year: 3 years (or 1 year for other class records: eg marks / timetables / assignments) |
| Individual Pupil Records <ul style="list-style-type: none"> Admissions: application forms, assessments, records of decisions Student immigration records Examination results (external or internal) Pupil file including: <ul style="list-style-type: none"> Pupil reports Pupil performance records Pupil medical records Special educational needs records (<i>to be risk assessed individually</i>) Unsuccessful or withdrawn pupil application/registration forms | <i>NB – this will generally be personal data</i> 25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision) Duration of student sponsorship plus minimum of 1 year 7 years from pupil leaving Group ALL: 25 years from date of birth (subject where relevant to safeguarding considerations). Any material which may be relevant to potential claims should be kept for the lifetime of the pupil Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period) Minimum 3 months but no longer than one year |

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| <p>Safeguarding</p> <ul style="list-style-type: none"> • Policies, procedures and insurance • DBS disclosure certificates (if held) • Accident / Incident reporting • Child Protection files • Video recordings of meetings or classes | <p><i>NB – please read notice at the top of this note</i></p> <p>Keep a permanent record of historic policies</p> <p><u>No longer than 6 months</u> from decision on recruitment, unless DBS specifically consulted – but a record of the checks being made must be kept, but not the certificate itself</p> <p>Keep on record for as long as any living victim may bring a claim (NB civil claim limitation periods can be set aside in cases of abuse). Ideally, files to be reviewed from time to time if resources allow and a suitably qualified person is available</p> <p>If a referral has been made / social care have been involved or child has been subject of a multi-agency plan – indefinitely.</p> <p>Where eg. one-on-one meetings of classes, counselling, or application interviews are recorded for safeguarding purposes, a shorter retention policy is acceptable based on the DSL's view of how quickly a concern will likely be raised: eg 3-6 months or immediately upon DSL review. If the DSL believes that a complaint is likely to arise or has arisen in respect of a recording the recording will be retained until the complaint has been resolved</p> |
| <p>Alumni Records</p> <ul style="list-style-type: none"> • Records of alumni | <p>The lifetime of the Data Subject unless the Data Subject has notified the Group that they require their personal data to be removed from the Group's database, in which case the Group will delete their details from its database</p> |
| <p>Corporate Records (where applicable)</p> <ul style="list-style-type: none"> • Certificates of Incorporation • Minutes, Notes and Resolutions of Boards or Management Meetings • Shareholder resolutions • Register of Members/Shareholders • Annual Reports | <p>Permanent (or until dissolution of the Company)</p> <p>Minimum – 10 years</p> <p>Minimum – 10 years</p> <p>Permanent (minimum 10 years for ex-members/shareholder)</p> <p>Minimum – 6 years</p> |

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| <p>Accounting Records³</p> <ul style="list-style-type: none"> Accounting records (<i>normally taken to mean records which enable a company's accurate financial position to be ascertained & which give a true and fair view of the company's financial state</i>) Tax returns VAT returns Budget and internal financial reports | <p>Minimum – 6 years for UK charities (and public companies) from the end of the financial year in which the transaction took place</p> <p>Internationally: can be up to 20 years depending on local legal/accountancy requirements</p> <p>Minimum – 6 years</p> <p>Minimum – 6 years</p> <p>Minimum – 3 years</p> |
| <p>Contracts and Agreements</p> <ul style="list-style-type: none"> Signed or final/concluded agreements (<i>plus any signed or final/concluded variations or amendments</i>) Deeds (or contracts under seal) | <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>Intellectual Property Records</p> <ul style="list-style-type: none"> Formal documents of title (trade mark or registered design certificates; patent or utility model certificates) Assignments of intellectual property to or from the Group | <p>Permanent (in the case of any right which can be permanently extended, eg trade marks); otherwise expiry of right plus minimum of 7 years</p> <p>As above in relation to contracts (7 years) or, where applicable, deeds (13 years).</p> |
| <ul style="list-style-type: none"> IP / IT agreements (including software licences and ancillary agreements eg maintenance; storage; development; coexistence agreements; consents) | <p>Minimum – 7 years from completion of contractual obligation concerned or term of agreement</p> |

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| <p>Employee/Personnel Records <i>NB this will almost certainly be personal data</i></p> <ul style="list-style-type: none"> • Single Central Record of employees • Contracts of employment • Employee appraisals or reviews • Staff personnel file • Payroll, salary, maternity pay records • Pension or other benefit schedule records • Job application and interview/rejection records (unsuccessful applicants) • Immigration records (Right to work etc) • Tier 2/Skilled Worker sponsor records • Health records relating to employees • Low-level concerns or records about adults (where applicable and under a Group Policy) | <p>Keep a permanent record of all mandatory checks that have been undertaken (but do <u>not</u> keep the DBS certificate itself: 6 months as above)</p> <p>7 years from effective date of end of contract</p> <p>Duration of employment plus minimum of 7 years</p> <p>As above, but <u>do not delete any information which may be relevant to historic safeguarding claims</u></p> <p>Minimum – 6 years</p> <p>Possibly permanent (i.e lifetimes of those involved) depending on nature of scheme</p> <p>Minimum 3 months but no more than 1 year</p> <p>Minimum –2 years from end of employment</p> <p>Minimum – 1 year from end of employment</p> <p>7 years from end of contract of employment</p> <p>Regular review recommended in order to justify longer-term retention as part of safeguarding files</p> |
| <p>Insurance Records</p> <ul style="list-style-type: none"> • Insurance policies (will vary – private, public, professional indemnity) • Correspondence related to claims/ renewals/ notification re: insurance | <p>Duration of policy (or as required by policy) plus a period for any run-off arrangement and coverage of insured risks: ideally, until it is possible to calculate that no living person could make a claim.</p> <p>Minimum – 7 years (but this will depend on what the policy covers and whether eg historic claims may still be made)</p> |

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| Environmental & Health Records <ul style="list-style-type: none"> Maintenance logs Accidents to children Accident at work records (staff) Staff use of hazardous substances Covid-19 risk assessments, consents etc.(for now: this to be subject to further review) | <p>10 years from date of last entry</p> <p>25 years from birth (longer for safeguarding incident)</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 of use</p> <p>Retain for now legal paperwork (consents, notices, risk assessments) but not individual test results</p> |
| <ul style="list-style-type: none"> Risk assessments (carried out in respect of above) | <p>7 years from completion of relevant project, incident, event or activity</p> |
| <ul style="list-style-type: none"> Art 30 GDPR records of processing activity, data breach records, impact assessments | <p>No limit (as long as no personal data held), but must be kept up- to-date, accurate and relevant</p> |

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The Mill Hill Education Group is the brand name for The Mill Hill School Foundation.
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