



# Retention of Records Policy

## 2018/19

## Key points of the Data Breach Policy

<b>Purpose</b>	To detail the procedures for the retention and disposal of records
<b>How long should personal data be kept</b>	The Foundation 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. Retention guidelines are set out in Appendix 1
<b>Obligations of Staff</b>	The Foundation will provide basic training in data management to all staff. Such training will include data security, recognising and handling sensitive personal data and safeguarding. Staff's obligations include storing data securely, disposing of data securely and compiling a retention schedule.

## Definitions

### The Foundation:

means the Mill Hill School Foundation which comprises the Senior School known as Mill Hill School, The Mount Mill Hill International, Belmont School (the preparatory school) and Grimsdell School (the pre-preparatory school). It 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 Headteachers having day to day responsibility for the management of the schools and the care of pupils.

### Data Protection Law:

This refers to all relevant legislation including the Data Protection Act 1998 and related statutory instruments (until 25 May 2018); The General Data Protection Regulation (EU 2016/679) from 25 May 2018 and The Data Protection Act 2018 and related legislation from 25 May 2018.

### Record:

means any document or item of data which contains evidence or information relating to the Foundation, 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 Foundation 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



## 1. Purpose

The purpose of this Policy is to detail the procedures for the retention and disposal of Records to ensure that the Foundation 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 Foundation. Unless otherwise specified, this Policy refers to both hard and soft copy documents. This Policy must be read in conjunction with the Foundation's Data Protection Policy which can be found on the Foundation's website.

## 2. How Long Personal Data is Kept by The Foundation

The Foundation 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 Foundation. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. Appendix 1 to this Policy contains suggested periods of retention for key types of Record although this is intended as a guide only and the Foundation 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 Foundation 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 Foundation no longer keep in touch with you or retains your personal data, the Foundation 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](mailto:compliance@millhill.org.uk)

## 3. Obligations of Staff

The Foundation 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 Foundation 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

> That they maintain a retention schedule (as set out in Appendix 2) detailing the types of personal data stored; the basis on which the data is to be retained and for how long; and the frequency of data retention review. Copies of the retention schedules shall be sent monthly to the compliance manager.

Responsibility for monitoring compliance with this Policy rests on the Operations Manager, Michael Butcher.



#### **4.Data Security**

The Foundation 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 Foundation 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.





<p><u>ACCOUNTING RECORDS</u><sup>3</sup></p> <ul style="list-style-type: none"> <li>Accounting records (<i>normally taken to mean records which enable a company's accurate financial position to be ascertained &amp; which give a true and fair view of the company's financial state</i>) [NB <u>specific ambit to be advised by an accountancy expert</u>]</li> <li>Tax returns</li> <li>VAT returns</li> <li>Budget and internal financial reports</li> </ul>	<p>Minimum – 3 years for private UK companies (except where still necessary for tax returns)</p> <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><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> </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><u>INTELLECTUAL PROPERTY RECORDS</u></p> <ul style="list-style-type: none"> <li>Formal documents of title (trade mark or registered design certificates; patent or utility model certificates)</li> <li>Assignments of intellectual property to or from the Foundation</li> </ul>	<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"> <li>IP / IT agreements (including software licences and ancillary agreements eg maintenance; storage; development; coexistence agreements; consents)</li> </ul>	<p>Minimum – 7 years from completion of contractual obligation concerned or term of agreement</p>



<p><b>EMPLOYEE / PERSONNEL RECORDS</b></p> <ul style="list-style-type: none"> <li>• Single Central Record of employees</li> <li>• Contracts of employment</li> <li>• Employee appraisals or reviews</li> <li>• Staff personnel file</li> <li>• Payroll, salary, maternity pay records</li> <li>• Pension or other benefit schedule records</li> <li>• Job application and interview/rejection records (unsuccessful applicants)</li> <li>• Immigration records</li> <li>• Health records relating to employees</li> </ul>	<p><b><i>NB this will almost certainly be personal data</i></b></p> <p>Keep a permanent record of all mandatory checks that have been undertaken (not certificate)</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 do not delete any information which may be relevant to historic safeguarding claims.</p> <p>Minimum – 6 years</p> <p>Possibly permanent, depending on nature of scheme</p> <p>Minimum 3 months but no more than 1 year</p> <p>Minimum – 4 years</p> <p>7 years from end of contract of employment</p>
<p><b>INSURANCE RECORDS</b></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>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</p>
<p><b>ENVIRONMENTAL &amp; HEALTH RECORDS</b></p> <ul style="list-style-type: none"> <li>• Maintenance logs</li> <li>• Accidents to children <sup>4</sup></li> <li>• Accident at work records (staff) <sup>4</sup></li> <li>• Staff use of hazardous substances <sup>4</sup></li> <li>• Risk assessments (carried out in respect of above) <sup>4</sup></li> </ul>	<p>10 years from date of last entry</p> <p>25 years from birth (unless 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>7 years from completion of relevant project, incident, event or activity.</p>



## APPENDIX 2

### RETENTION SCHEDULE TEMPLATE DATA

**HANDLER: NAME**

Personal Data Category	Reason for Retention	Retention Period	Review Date	Method and date of Destruction

Date: 21 May 2018

Ratified by the Nominations and Governance Committee and signed by its

Chair Andrew Welch

Review Date: May 2020

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