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Data Retention Policy

Any reference to CareTrade in this document includes The Autism Project, unless specifically stated otherwise.

1. Introduction

This policy sets out how long employment-related, learner or client data will normally be held by us and when that information will be confidentially destroyed in compliance with the terms of the UK General Data Protection Regulation (UK GDPR) and the Freedom of Information Act 2000.

Data will be stored and processed to allow for the efficient operation of the charity and all related services and activities.

CareTrade Charitable Trust (CareTrade) has a responsibility under the UK General Data Protection Regulation (UK GDPR) to maintain its records and record keeping systems. When doing this CareTrade will take account of the following factors:

- The most efficient and effective way of storing records and information
- The confidential nature of the records and information stored
- The security of the record systems used
- Privacy and disclosure
- Their accessibility.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. It does, however, reflect CareTrade and The Autism Project's current practice, the requirements of current legislation and best practice and guidance.

It may be amended by CareTrade from time to time and any changes will be notified to employees within one month of the date on which the change is intended to take effect. CareTrade may also vary any parts of this procedure, including any time limits, as appropriate in any case.

This Policy is related to our GDPR Data Protection Policy.

Please note that for the purpose of this Policy:-

the terms 'document' and 'records' include information in both hard copy and electronic form and have the same meaning.

Data Protection Legislation means the Data Protection Act 2018, GDPR (United Kingdom General Data Protection Regulation) (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the aforementioned legislation.

2. Data Protection

Data Protection Legislation provides “personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed”.

The purpose of this Policy is to ensure that necessary records, documents and electronic data of CareTrade are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of Documentation.

CareTrade will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services.

This policy covers all personal data that CareTrade holds or has control over. This includes physical data such as hard copy documents, contracts, notebooks, letters and invoices. It also includes electronic data such as emails, electronic documents, audio and video recordings and CCTV recordings.

This policy covers data that is held by third parties on behalf of CareTrade, for example cloud storage providers or offsite records storage.

NO data belonging to CareTrade is to be held by employees on personal devices. All staff are provided with work issued mobile phones and laptops. USB sticks must be encrypted and only used with express written permission of a line manager.

CareTrade’s Data Protection Policy outlines its duties and obligations under the UK GDPR.

3. Retention Procedure and Schedule

All documents, records and information (paper or electronic format) containing personal data will be retained for at least the period specified in the **Retention Schedule**. All records are regularly monitored by respective project managers.

In certain circumstances it will be necessary to retain specific records in order to fulfil statutory or regulatory requirements and to meet operational needs.

When managing records, CareTrade will adhere to the retention times listed within the schedule. The schedule is project and activity specific and states the applicable retention periods for each record type. The retention periods are based on business needs and legal requirements.

In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of the record.

4. Archiving of Documentation

Archiving is defined as the process by which inactive data, in any format is securely stored for long periods of time in accordance with a retention schedule.

Where records have been identified as being worthy of preservation over the longer term, arrangements should be made to transfer the records to the archives. A database of the records sent to the archives is maintained by the Head of Education & Learning for The Autism Project data and The CEO for other CareTrade data. The appropriate staff member, when archiving documents should record in this list the following information:

- File reference (or other unique identifier),
- File title/description,
- Number of files,
- Name of the authorising officer.

5. Transferring Paper Records to Digital Media

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to digital media and storing on our cloud based servers. Retention of documents will still follow the Schedule attached.

6. Disposal of Records

All information marked for disposal should be reviewed before destruction to determine whether there are any special factors that means destruction should be delayed (eg potential litigation, complaints, grievances). Where documents are to be destroyed:-

- Any paper records containing confidential information must be shredded using a cross-cut shredder.
- Other documents that do not contain confidential information may be recycled in the normal way.

7. Learner Records

The Autism Project maintains records for all learners in line with DfE recommendations and to meet the learner's Education Health and Care Plan goals. Key data is retained for a minimum of 4 and up to 6 years after a student has left.

Retention Schedule

FILE DESCRIPTION	RETENTION PERIOD AND ADDITIONAL INFO
STAFF EMPLOYMENT AND VOLUNTEERS (WHERE APPLICABLE) RECORDS	
Job applications and interview records of unsuccessful candidates	6 months after notifying unsuccessful candidates, unless CareTrade has applicants' consent to keep their CV for future reference. Opt in consent needs to be explicit as do rights to change minds.
Job applications and interview records of successful candidates	4 years after employment ceases.
Right to work documentation including identification documents	2 years after employment ends
Immigration checks	2 years after employment ends
DBS checks and disclosures of criminal records forms	Retention should be as short as is practical FOR CHECKING PURPOSES ONLY. In exceptional circumstances (eg resolution of a dispute) details may be kept for up to 6 months. OUTCOMES (whether satisfactory or not) will be recorded and kept to comply with statutory duties (ie Ofsted) <u>for the duration of your employment or until a new check is required.</u> DBS checks for all staff and volunteers are repeated every 3 years.
Written particulars of employment, contracts of employment and changes to terms and conditions, contracts and pay	4 years after employment ceases.
Change of personal details notifications	No longer than 6 months after receiving notification. These will be shared with third parties as required (ie payroll) and may be retained on HR files (Breathe HR)
Emergency contact details	Destroyed when employment ceases.
Personnel and training records	During employment and up to 4 years after employment ceases.
Annual leave records	During employment and up to 4 years after employment ceases.

Records relating to hours worked and payments made to temporary and casual workers	2 years
Consents for the processing of personal and sensitive data	For as long as the data is being processed and up to 6 years afterwards.
Disciplinary and training records	4 years after employment ceases.
Allegations of a student/client protection nature against a member of staff including where the allegation is founded.	10 years from the date of the allegation. To be kept under review. Malicious allegations should be removed.
FINANCIAL AND PAYROLL RECORDS	
Pension records	These are kept by our pension providers (NEST or TPS) which employees have direct access to. Payroll will keep data as payroll and wage records below
Payroll and wage records	6 years after the end of the tax year they relate to
Maternity/Adoption/Paternity leave records	3 years after the end of the tax year they relate to
Statutory Sick Pay	3 years after the end of the tax year they relate to
Current bank details	No longer than needed (ceases when employment ends)
AGREEMENTS AND ADMINISTRATION PAPERWORK	
Collective workforce agreements and past agreements that could affect present employees	permanently
CareTrade Strategic Plans	3 years from the life of the plan
The Autism Project Development and Improvement Plans	3 years from the life of the plan
End of Grant reports	3 years from the end of the grant period
Professional Development Plans	3 years from the life of the plan
Visitors Book and Signing in Sheets	3 years
Newsletters and circulars to those who attend services or have subscribed	3 years from sign up
Contracts	Up to 3 years after the end of the contract

HEALTH AND SAFETY RECORDS	
Health and Safety consultations	Permanently
Health and Safety Risk Assessments	3 years from the life of the risk assessment
Any reportable accident, death or injury in connection with work	At least 10 years from the date the report was made
Accident reporting	6 years from the date of the incident
Fire precautions log book	6 years
Records of tests and examinations of control systems and protection equipment under COSHH	6 years from the date on which the record was made
LEARNER, TRAINEE AND CLIENT RECORDS	
Application information	2 years from the date of application Basis contact details are retained for up to 4 years
Admission register and records	3 years from the date of entry
Free Meals registers	6 years
Attendance Registers	6 years for TAP and up to 3 years for all other
TAP Learner Records	Up to 6 years after a student has left
Access to Work Clients and other learners and clients	Up to 3 years
CORRESPONDENCE	
Letters	Will be stored electronically, up to 5 years from receipt
Emails	Up to 5 years from receipt