



## DATA RETENTION POLICY

### 1 Introduction

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This Data Retention Policy applies to all academies within the Omega Multi-Academy Trust.

This Policy covers all records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy.

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 hereby referred to as Documents or Documentation.

In certain circumstances it will be necessary to retain specific records in order to fulfil statutory or regulatory requirements and to meet operational needs. Any retention of specific records should be retained under the retention period specified in Retention of Records Schedule 1 and Retention of Digital Records Schedule 2.

### 2 Scope

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Omega MAT is bound by various obligations with regard to the Documentation and electronic data it retains. These obligations include the period of retention for Documentation and when and how this Documentation is disposed.

Article 5 of GDPR 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 all Omega MAT's schools 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.

This Policy will also aid paper records and electronic data storage issues identified throughout the business and to eliminate the need to retain paper and electronic records unnecessarily.

Omega MAT 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.

### 3 Legal obligation

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- General Data Protection Regulation (GDPR)
  - Data Protection Act 1998 (DPA)
  - Freedom of Information Act 2000 (FOI)
  - Limitation Act 1980
  - Companies Act 2006
  - The Waste Electric and Electronic Equipment Regulations 2013
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## 4 Retention Procedure

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All decisions relating to the retention and disposal of Documents should be taken in accordance with the Information and Records Management Society's Retention guidelines for Schools (IRMS) and its Information Management Toolkit for Schools (Version 5, February 2016).

This Toolkit lists a file description, any statutory provision, a retention period and action to be taken at the end of the retention period, by way of disposal. It provides retention schedules for:

- Management of School
- Human Resources
- Financial Management
- Property Management
- Pupil Management
- Curriculum Management
- Extra-curricular Activities

An example of the schedule related to Pupil Records retention is included at the end of this Policy.

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.

Any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys. Encryption keys must be retained as long as the data that the keys decrypt is retained.

## 5 Disposal of Records

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Any record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder. Non-confidential documents may be recycled. Records of disposal should be maintained by each academy, stating the document disposed of and the date of disposal.

All information or documentation is disposed of in accordance with IRMS's Information Management Toolkit for Schools (Version 5, February 2016).

## 6 Disposal of Electrical Hardware

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IT equipment and devices that have the ability and capability to store personal data include:

- PC's
- Laptops
- Mobile Phones
- Multi-Functional Devices – printers / scanners
- Servers
- USB Memory Sticks and external hard drives.

IT equipment disposal must be managed by the trust's ICT partner.

All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electric and Electronic Equipment Regulations 2013.

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## RETENTION OF PUPIL RECORDS SCHEDULE

| Pupil's Educational Record   |                        |   |   |  |
|--|------------------------|---|---|--|
| Basic file description   | Data Protection Issues | Statutory Provisions  | Retention Period (Operational)  | Actions at the end of the Administrative life of that record.  |
| Pupils Educational Record required by the Educational (Pupil Information) (England) Regulations 2005 | Yes                    | The Education (Pupil Information) (England) Regulations 2005 SI 2005 No1437 |   |  |
| Primary  |                        |   | Retain whilst the child remains at the primary school                                     | The file should follow the pupil when he/she leaves the primary school. This will include:<br>to another primary school<br>to a secondary school<br>to a pupil referral unit |
| Secondary  |                        | Limitation Act 1980 (Section 2)   | Date of Birth of the pupil + 25 years   | SECURE DISPOSAL  |
| Examination Results – Pupil Copies   | Yes                    |   |   |  |
| Public   |                        |   | This information should be added to the pupil file  | All uncollected certificates should be returned to the examination board   |
| Internal   |                        |   | This information should be added to the pupil file  |  |
| This review too  |                        |   |   |  |
| Child Protection information held on pupil file  | Yes                    | Keeping Children safe in education 2016                                     | Placed in sealed envelope and then retained for the same period of time as the pupil file | SECURE DISPOSAL – must be shredded   |
| Child protection information held in separate files  | Yes                    | Keeping Children safe in education 2016                                     | Date of Birth of the pupil + 25 years   | SECURE DISPOSAL – must be shredded   |
| Attendance   |                        |   |   |  |
| Attendance Registers   | Yes                    | School Attendance Department advice for academies. Oct 2014                 | From date of entry + 3 years  | SECURE DISPOSAL  |
| Correspondence relating to authorised absence  |                        | Education Act 1996 Section 7  | Current academic year + 2 years   | SECURE DISPOSAL  |

| <b>Special Educational Needs</b>   |                         |                                 |  |   |
|--|-------------------------|---------------------------------|--|---|
| Basic file description   | Child Protection Issues | Statutory Provisions            | Retention Period (Operational)                                 | Actions at the end of the Administrative life of that record. |
| Special Educational Needs files, reviews and IEP's                                 | Yes                     | Limitation Act 1980 (Section 2) | Date of Birth + 25 years                                       | SECURE DISPOSAL unless subject to a legal hold                |
| Statement maintained under The Education Act 1006 – Section 324 and any amendments | Yes                     | SEND Act 2001                   | Date of Birth + 25 years                                       | SECURE DISPOSAL unless subject to a legal hold                |
| Advice and information provided to the parents                                     | Yes                     | SEND Act 2001                   | Date of Birth + 25 years                                       | SECURE DISPOSAL unless subject to a legal hold                |
| Accessibility Strategy   | Yes                     | SEND Act 2001                   | Date of Birth + 25 years                                       | SECURE DISPOSAL unless subject to a legal hold                |
| <b>Curriculum Management</b>   |                         |                                 |  |   |
| Statistical and Management Information   |                         |                                 |  |   |
| Curriculum returns   | No                      |                                 | Current year + 3 years   | SECURE DISPOSAL   |
| Examination Results (Schools Copy)   | Yes                     |                                 | Current year + 6 years   | SECURE DISPOSAL   |
| SATS records Result  | Yes                     |                                 | Recorded on pupil file   | SECURE DISPOSAL   |
| Examination Papers   | No                      |                                 | Kept until any appeal process is complete                      | SECURE DISPOSAL   |
| <b>Extra-Curricular Activities</b>   |                         |                                 |  |   |
| Parental consent forms for school trips where there has been no major accident     | Yes                     |                                 | Conclusion of the trip   |   |
| Parental consent forms for school trips where there has been a major accident      | Yes                     | Limitation Act 1980 (Section 2) | Date of Birth of the pupil involved in the accident + 25 years |   |

