

Records Retention and Data Protection Policy

September 2023

Our Strategic Objectives relating to young people with high learning potential, their parents and carers, and their schools:

- *Empowering Young People*
- *Empowering Parents*
- *Creating a Community*
- *Advocating for Needs and Rights*
- *Strengthening our sustainability and effectiveness*

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1. Overview / Purpose

Potential Plus UK creates and holds **Records** to:

- document the products resulting from its activities and processes,
- document the decisions made in those processes,
- improve the efficiency for Staff, trustees and volunteers,
- enable it to demonstrate good governance and legal compliance, and
- enable it to demonstrate the charity's impact

This policy sets out how Potential Plus UK will manage the records used in its activities and processes and to ensure that records which contain personal information are managed in compliance with data protection legislation.

It describes how records will be managed over their life cycle of:

- creation,
- storage,
- maintenance,
- retrieval, and
- disposal.

Records will be disposed of when they are no longer required for business, legal or historical purposes. The length of time records will be held is determined by various factors, including:

- Legal requirements
- The charity's legitimate interests and members' consent
- Industry standards and best practice
- Historical value and archival needs, and
- Storage costs

2. Scope

This policy applies to all hard copy and electronic Records (such as documents, email, videos, databases and internet/intranet sites) created or received by staff, trustees and volunteers of the charity, in carrying out the activities of the charity and in the fulfilment of their duties. It applies to all Staff, trustees and volunteers.

3. Definitions

Archive means the Potential Plus paper archive. This is an unstructured collection of papers which falls outside the GDPR (see section 4.1). The archive is being scanned and incorporated into a structure filing system which will fall within GDPR.

GDPR means the General Data Protection Regulation 2018 legislation.

Personal data means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

Records means information created, received and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business [ISO 15489]. Examples include:

- documents (including written, typed or annotated copies)
- paper files
- photographs (both physical and digital)
- videos
- electronic files (including word-processed documents, databases, spreadsheets and presentations) including on disks, memory sticks or CDs
- e-mail messages
- brochures and reports
- annual accounts
- internet pages.

Special Category personal data under the GDPR legislation means.

- personal data revealing racial or ethnic origin
- personal data revealing political opinions
- personal data revealing religious or philosophical beliefs
- personal data revealing trade union membership
- genetic data
- biometric data (where used for identification purposes)
- data concerning health
- data concerning a person's sex life, and
- data concerning a person's sexual orientation

Staff means salaried employees and casual workers (i.e. employed under contract) who are directly employed by Potential Plus UK, trainees and work experience placements.

4. Policy

4.1 Data Protection

Potential Plus UK is committed to comply with all of its obligations under the General Data Protection Regulation 2018 (GDPR). Potential Plus UK is registered at the Information Commissioners Office for that purpose.

- We will observe the law in the collection and processing of personal data and will meet any subject access request in compliance with the law.
- We will only use personal data for carrying out our legitimate purposes and functions as a charity in a way that is not prejudicial to the interests of individuals, and we will only keep data for as long as there is a business need.
- We will take due care in the collection and storage of any Special Category and sensitive data.
- Our Staff, trustees and volunteers will keep all data accurate, timely and secure and are asked to sign a declaration at the beginning of their involvement with Potential Plus UK which states that they will adhere to our Record Retention and Data Protection policy, and our Confidentiality policy at all times.
- A specified staff member and a specified trustee are responsible for our records retention and data protection policy which sets out how we adhere to GDPR.

GDPR does not apply to personal data that has been anonymised, to deceased individuals, or to 'unstructured information' - information which is not held in a filing system (such as the Archive).

GDPR article 9 (2)(a), which "permits processing of data if the data subject has given explicit consent to the processing of those personal data for one or more specific purposes", applies to personal data in newspaper cuttings, etc.

4.2 Records Management

All Staff, trustees and volunteers receive and create records which:

- document the products of the charity's work,
- document the decisions made in carrying out their activities and duties,
- exist to improve efficiency, and
- exist to be able to demonstrate good governance and legal compliance, and
- evidence the impact of the charity.

All records created by or on behalf of the charity belong to the charity. All records received on behalf of the charity as part of its business activities will be its property.

All Staff, trustees and volunteers have a responsibility to ensure that the records they create and maintain are accurate, complete, and are stored securely in an appropriate place.

Confidential data and files must be protected by restricting access through M365 login on a need-to-know basis. Documents which contain Special Category personal data (e.g. data concerning health, racial/ethnic origin, etc.) and some kinds of more sensitive data (e.g. salary and payroll data, data on criminal convictions, etc.) should be encrypted where possible and encryption keys should be suitably protected to prevent data loss and unauthorised access.

The Retention Schedule (Appendix 1) defines how long records will be held for and when and how they will be disposed.

All deleted records will be disposed of in a secure manner. In the case of paper records, these will be shredded and then disposed of in a secure manner. Digital records will either be deleted automatically using the secure deletion facilities available from the specific system, or manually by a member of staff. Individuals who carry out manual disposal of digital and paper documents will maintain a log of the disposal actions (see Appendix 2). Records will be reviewed against the Retention Schedule annually and records which have passed their retention period and have no current requirement for retention will be disposed of. A log of disposed records containing relevant metadata will be maintained as an audit trail of disposal (see Appendix 2 for examples).

For some types of data, disposal will involve anonymisation of personal data rather than destruction of the record.

5. Monitoring and Reporting

This policy will be reviewed every 2 years. Periodic snap checks will be implemented to check on adherence to the policy.

6. Training

Training on how to implement this policy will be provided during induction for all staff, trustees and volunteers. A log of completed training will be maintained.

7. Roles and Responsibilities

All staff, trustees and volunteer – have the responsibility to read and apply this policy to their everyday work.

Chief Executive – has overall responsibility for the Records Retention and Data Protection policy.

Records Retention and Data Protection officer – This individual has responsibility for maintaining the Retention Schedule and implementing the disposal of records.

Trustee with Records Retention & Data Protection – This individual has responsibility for training Staff, trustees and volunteers in the application of this policy.

8. Related Standards, Policies and Processes

Other related Potential Plus UK policies include:

- Confidentiality Policy
- Privacy Policy
- Data Protection Policy (obsolete – incorporated into this policy)
- Cookies Policy
- Information Security Policy

9. Revision History

List all changes made to the document including version number, date approved etc. using the below table.

Version:	Date Approved:	Approved by:	Owner:	Author:	Summary of Change:	Review Date:
20230919	19 Sept 2023	Board of Trustees	Board of Trustees	S Ramsden	Update for assessment retention	01/09/24
20220524	24 May 2022	Board of Trustees	Board of Trustees	S Ramsden	Original	01/05/24

Appendix 1 – Retention Schedule

Sample – full retention schedule in development

Record Category	Record Description	Retention Period	Rationale/Applicable Legislation	Data Owner/ Where located
Branches				
Campaigns				
Cases				
CS1	<ul style="list-style-type: none"> Assessment reports 3rd party reports School questionnaire Parent questionnaire Scoring spreadsheet 	Child date of birth + 31 years	Children and Family's Act 2014; Special Educational Needs and Disability Act 2001 Section 14 ¹	
CS2	<ul style="list-style-type: none"> Assessment test data Other documents used to produce an assessment report 	6 years		
Correspondence				

¹ 3.4.1 Special Educational Needs files, reviews and Education, Health and Care Plan, including advice and information provided to parents regarding education needs and accessibility strategy: Date of birth of pupil + 31 years [Education, Health and Care Plan is valid until the individual reaches the age of 25 years - the retention period adds an additional 6 years from the end of the plan in line with the Limitation Act]

Events				
Financial Records				
FR1	<ul style="list-style-type: none"> Annual Accounts Annual review 	Permanently		
FR2	Purchase order	6 years		
Fundraising				
Governance				
Gov1	<ul style="list-style-type: none"> Strategic documents 	6 years after replacement		
Gov2	<ul style="list-style-type: none"> Policies 			
HR Records				
HR1	<p>Staff personnel data:</p> <ul style="list-style-type: none"> Personnel records Job descriptions Appraisals Training <p>Redundancy details</p>	6 years after employment ceased		
HR2	<p>Staff payment data:</p> <ul style="list-style-type: none"> Pay, payroll and benefits information Expenses Overtime <p>Pension contributions</p>	7 years after employment ceased	HMRC & Taxes Management Act	CEO

HR3	<ul style="list-style-type: none"> Statutory maternity pay Statutory sick pay 	3 years after end of each tax year		
HR4	Recruitment data for unsuccessful applicants <ul style="list-style-type: none"> Job Description CVs interview notes	1 year after applicant notified of outcome	Equality Act 1980	CEO
Membership				
Projects				
Publications				
P1	<ul style="list-style-type: none"> Parent member publications School member publications General public publications 	6 years after obsolescence		Parent matters
Membership				
Projects				
Publications				
Safeguarding				

Appendix 2 – Example Disposal Log

Record Category	Record Description	Disposal Rationale	Name of disposer	Date
Branches				
Campaigns				
Cases				
Correspondence				
Events				
Finance				
Fundraising				
Governance				
HR				
Membership				
Projects				
Publications				
Safeguarding				