



THE ORATORY
PREP SCHOOL

GDPR Information and Records Retention Policy

This policy applies to all pupils, including those in the Early Years Foundation Stage (EYFS).

September 2022

Introduction

1 This policy sets out a structured approach to reviewing and destroying records in relation to The Oratory Prep School (the **School**).

2 The retention period for each type of record is shown in the table below. In addition, data protection legislation makes it unlawful to keep the information when it is no longer needed for the purpose for which it is held. This requirement is uncertain and allows discretion and may vary according to the circumstances, but in practice it means that the School should promptly destroy the record once the retention period in the table below has been reached. Occasionally there may be special circumstances which mean that a record should be kept for longer (for example where there is a risk of litigation or a request from an outside body such as the Independent Inquiry into Child Sexual Abuse (IICSA) see below. The School should refer to its insurance policies and further legal advice should be sought in these circumstances.

3 Information must be securely deleted. This applies to paper records, electronic information and biometric information.

4 This policy does not apply to records connected with commercial activities.

5 The School will discuss document retention with its insurers (who may specify longer retention periods). If there is any conflict then any longer retention periods specified by the insurers should prevail.

6 If an email falls into one of the categories set out in the table then it should be filed centrally as soon as is reasonable.

7 "Routine" emails which do not fall into any of the categories in the table may be kept in inboxes for up to [• six months] and should then be deleted. An examples of a routine email is an internal email advising staff that the weekly meeting is cancelled.

8 Independent Inquiry into Child Sexual Abuse (**IICSA**):

8.1 The IICSA has issued retention instructions to a range of institutions regarding records relating to the care of children. In light of this, we are advising schools to temporarily cease the routine destruction of those records which might be relevant to the Inquiry in case they are requested by the Inquiry or made subject to a disclosure order. This means that before destroying **any** document the School should consider if it contains information that may fall within the Inquiry's remit.

8.2 The range of documentation which might need to be kept is wide. It will include any information linked to alleged or established child sexual abuse, whether by staff, volunteers or pupils with no limitation date. For example, a list of pupils who attended an overnight school trip or admission registers which show which pupils were at the School at a given time. As such, documents should be kept for longer than the retention periods listed in the policy if they concern information which

might be relevant to the Inquiry. The School should therefore review the retention periods under **each** of the rows below in case they are relevant to IICSA.

8.3 Please note that the School should keep this under review so that it recommences document destruction at the appropriate time.

	Record	Retention period	Action at the end of the retention period	Retention period required by law?
1	Pupils			
1.1	Admission registers (however held)	Three years from the date of the last entry	Transfer to the archives and shred or delete copies and back-ups	
1.2	Attendance registers (however held)	Three years from the date of the last entry	Review for further retention in the case of contentious dispute SHRED/DELETE or delete including back-ups and copies	Yes
1.3	Child protection records	DOB of the pupil + 50 years	Review for further retention in the case of contentious dispute SHRED/DELETE Notes 1 Child protection information must be copied and sent under separate cover to the new school whilst the child is still under 18. Schools should ensure secure transit and confirmation of receipt should be obtained 2 Where a child is removed from roll to be educated at home, the file should be copied to the Local Authority (LA) 3 In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual	No

			exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. 50 years from the date of birth of the pupil involved should be a sufficient period of retention but this should be kept under review	
1.4	Biometric information (e.g. fingerprints to be used as part of an automated biometric recognition system)	For as long as the School requires the information for the automated biometric recognition system	This information must not be kept for longer than it is needed. The information must be destroyed if the pupil no longer uses the system including when they leave the School, where the parent or pupil withdraws consent or the pupil objects to its use	No
1.5	Medical records held by the School	<p>DOB of the pupil + 24 years; or</p> <p>Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident</p> <p>The 24 year period is based on the fact that once the child turns 18 years old they have a certain amount of time (known as a limitation period) in which to bring claims against the School. The longest of these limitation periods is six years, albeit that some periods can be extended by the courts</p>	<p>Review for further retention in the case of contentious disputes</p> <p>SHRED/DELETE</p>	No

1.6	Counselling records held by the School	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of contentious disputes SHRED/DELETE	No
2	Pupil files			
2.1	Pupil files (including public examination scripts, marks & results)	DOB of the pupil + 24 years; or Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of contentious disputes, for example, parental complaints, disciplinary matters, pupil exclusions, bullying incidents and subject access requests SHRED/DELETE Notes 1 When reviewing pupil files, the School should have regard to other applicable sections of this policy 2 Any examination certificates left unclaimed should be returned to the appropriate Examination Board	No
2.2	Internal examination scripts, marks & results	<u>Scripts:</u> Scripts from weekly or monthly tests: Keep until the end of the year. Although these may be retained if useful for staff training purposes or ongoing moderation. Scripts from termly or yearly tests: Keep until the end of the next academic year. Although these may be retained if useful for staff training purposes or ongoing moderation. <u>Marks & results:</u>	Keep for longer in accordance with the retention periods and guidance set out in row 2.1 above if risk of contentious disputes, for example, parental complaints, disciplinary matters, pupil exclusions, bullying incidents and subject access requests.	No

		<p>If the purpose of the test is to progress the child (either internally or externally) then keep marks & results in accordance with the retention periods and guidance set out in row 2.1 above.</p> <p>If the purpose of the test is for general internal assessment of academic performance then keep marks & results until the child leaves school or in the event of contention follow guidance as 2.1 above.</p>		
2.3	Special Educational Needs files, reviews and Individual Education Plans	<p>DOB of the pupil + 24 years; or</p> <p>Six years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident</p>	<p>Review for further retention in the case of contentious disputes</p> <p>SHRED/DELETE</p>	No
2.4	Statement of Special Education Needs (SEN) and Education Healthcare (EHC) Plans	Statements of SEN (including appendices) and EHC Plans should never be retained once the pupil has left the School	<p>SHRED/DELETE unless legal action pending</p> <p>The Statement / Plan belongs to the LA which makes and maintains the Statement / Plan</p>	Yes
2.5	Letters authorising absence	Three years from the date of the last entry on the attendance register	SHRED/DELETE	No
2.6				

3	Permissions			
3.2	Parental permission slips for school trips – where there has been no major incident, accident, injury or near miss involving anyone on the trip	Conclusion of the trip + three years	Review for further retention in the case of contentious disputes otherwise SHRED/DELETE	No
3.3	Parental permission slips for school trips – where there has been a major incident, accident, injury or near miss involving anyone on the trip	DOB of the pupil involved in the incident + 24 years; or The permission slips for all pupils on the trip may need to be retained to show that the rules had been followed for all pupils	Review for further retention in the case of relevance to contentious disputes. SHRED/DELETE	No
4	Admission department and bursarial records			
4.2	Admission and parent contract documents including registration form, letter of offer and acceptance form	Six years from date of leaving the School	Review for further retention in the case of contentious disputes SHRED/DELETE	No
4.3	Admissions documents relating to applicants who	One year would be reasonable, however, this is at the School's discretion. If there is a risk that parents or a pupil might bring a claim against the School	SHRED/DELETE	No

	did not join the School	then the documents should be retained.		
4.4	Financial information in respect of fees	Six years from date of leaving the School	Review for further retention in the case of contentious disputes SHRED/DELETE	No
5	Employment			
5.2	Employment or personnel records including contracts of employment, changes to terms and condition, disciplinary matters, grievance procedures	For at least six years after date of termination of employment For at least 12 years after date of termination if any of the documents were signed as a deed In the event of any child protection concerns, see guidance in next column for 5.1	If on a date no earlier than six years after the termination date there has been no recent contact from the relevant individual and no apparent breach of contract claim, dispose securely of documentation unless any child protection concerns. Records of anyone with child protection concerns (even if not proved) should be retained	No
5.3	Single central register (SCR)	Retain the SCR entry for each former member of staff indefinitely either on an archive SCR or within the personnel file, this will be reviewed on an annual basis.	Review whether further retention is necessary. If so, these reasons must be documented. If not SHRED/DELETE	No
5.4				No

5.5	Employment references received and references provided	For a period longer than six years	Keep for so long as a reference may be required in future - potentially up until the employee's normal retirement age Consider whether any recent reference requests for the relevant individual If none, SHRED/DELETE	No
5.6	Employment reference where an individual's employment ended for a safeguarding reason or where safeguarding was outstanding at the time of termination	At least until the person has reached normal retirement age or for a period of ten years from the date of the allegation if that is longer	Consider whether any recent reference requests for the relevant individual or new concerns raised by social services or other agencies If none, SHRED/DELETE	Yes
5.7	Working time optout forms	Two years from the date on which they were entered into		
5.8	Records to show compliance with the Working Time Regulations	Two years after the relevant period	SHRED/DELETE	Yes
5.9	Payroll and wage records These include records of: •Details on overtime.	Six years from the financial year end in which payments are made. This is outlined in our payroll provider Bishop Flemings Policy.	SHRED/DELETE	Yes

	<ul style="list-style-type: none"> •Bonuses. •Expenses. •Benefits in kind. 			
5.10	PAYE Records	Six years in addition to the current year. This is outlined in our payroll provider policy.	SHRED/DELETE	Yes
5.11	<p>Maternity/paternity records</p> <p>These include:</p> <ul style="list-style-type: none"> •Records regarding Maternity payments made save for where those include payroll records. •Maternity certificates showing the expected week of confinement 	Three years after the end of the tax year in which the maternity pay period ends	SHRED/DELETE	Yes
5.12	Sickness records required for the purposes of Statutory Sick Pay (SSP)	During employment and for a period of three years after employment has ended	SHRED/DELETE	Yes
5.13	Records in relation to hours worked and payments made to workers	For a period of six years beginning with the last day of the following month to which the records relate	SHRED/DELETE	Yes
5.14	Consents for the processing of personal data and sensitive personal data (known as special category	<p>For as long as the data is being processed and up to six years afterwards</p> <p>For consent to be valid it must be "freely given". The School will be very careful before asking employees</p>	SHRED/DELETE	Yes

	personal data under the GDPR)	to consent to their data being used in a particular way, as they recognise the balance in the employee relationship. In the vast majority of cases it is not necessary to obtain the employee's consent before using their personal data. E.g. in setting up payroll.		
5.15	DBS	Dispose of securely after the recruitment process unless assessed as relevant to ongoing employment relationship. Once the conviction is spent, should be deleted unless it is an excluded profession.	Enter DBS certificate number, date, initials on Single Central Register SHRED/DELETE	Yes
5.16	Immigration checks	Throughout employment and then retained for two years after the termination of employment	SHRED/DELETE	Yes
5.17	Recruitment records of unsuccessful candidates	Six months after notifying unsuccessful candidates, unless the applicant requests retention of to allow the school to contact in the event of further opportunities becoming available. In the event further contact takes place the applicant will be asked if records should continued to be retained.	SHRED/DELETE	No
5.18	Personnel and training records	Whilst employment continues and up to six years after employment ceases. In the event of contentious issues being linked to training, records may be retained for longer.	SHRED/DELETE	No

5.19	Annual leave records	Six years or possibly longer if leave can be carried over from year to year	SHRED/DELETE	No
5.20	Collective / workforce agreements	Permanently or six years after the agreement comes to an end		
5.21	Works Council minutes	Permanently	N/A	
5.22	An Employee's bank details	Until last payment made	SHRED/DELETE	No
5.23	Records of advances for season tickets and loans to employees	Whilst employment continues and up to six years after repayment	SHRED/DELETE	No
5.24	Death Benefit Nomination and Revocation Forms	Whilst employment continues and up to six years after payment of benefit	SHRED/DELETE	No
6	Health and safety information - employees			
6.2	Reportable injuries, diseases and dangerous occurrences (RIDDOR) reports or own record	Three years from the date of record If disease - indefinitely (recommended)	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
6.3	First aid / accident book entry	Three years from the date of injury or last record in the book If disease - indefinitely	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
6.4	Records of maintenance, examination and test control measures relating to	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes

	substances hazardous to health under the Control of Substances Hazardous to Health (COSHH) regime			
6.5	Health records for licensable asbestos work	At least 40 years from the date if the last entry	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.6	Medical surveillance certificate for licensable asbestos work	At least four years from the date it was issued	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.7	Records of air monitoring for asbestos	Where a health record is required at least 40 years from the date if the last entry In other cases at least five years from the date of the last entry		Yes
6.8	Records of examinations, tests and repairs carried out in respect of exhaust or respiratory protective equipment under the Control of Asbestos Regulations 2012 (CAR)	Five years	Review for further retention in the case of enforcement action contentious disputes SHRED/DELETE	Yes
6.9	Examination / report of	Two years	Review for further retention in the case of enforcement action or	Yes

	defect for power presses		contentious disputes SHRED/DELETE	
6.10	Records of water monitoring, inspection, testing, checks and control measures for legionellosis	Five years from the date of the last entry	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
7	Health and safety information - pupils			
7.2	Accident reports including first aid / accident book	DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No
7.3	Reportable injuries, diseases and dangerous occurrences (RIDDOR) reports or own record	DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	Yes
7.4	Incident investigations and reports, risk assessments and other relevant documents where there has been an accident or incident	DOB of the pupil involved in the incident + 21 years; or Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident	Review for further retention in the case of enforcement action or civil claims for personal injury SHRED/DELETE	No
8	Generic health and safety records			
8.2	Risk assessments, records of health and safety arrangements,	These should be kept for as long as they remain relevant - at least three years (in the absence of a specific accident, incident,	Review for further retention in the case of enforcement action or contentious disputes SHRED/DELETE	No

	<p>copies of policies and procedures</p> <p>General records of health and safety auditing and monitoring including fire risk assessments, electrical testing, PAT testing and gas appliance testing</p> <p>Training records and copies of instructions or information</p> <p>Maintenance logs and / or records of plant and / or equipment plus safety manuals / notices / instructions</p> <p>Records of emergency evacuations and fire drills, fire safety risk assessments and fire safety policy / fire arrangements</p>	<p>dangerous occurrence or notifiable disease). In the event that any of the bracketed examples have occurred, these will be retained inline with the length of any records relating to any contentious incidents.</p>		
8.3	<p>Copies of documents, including health and safety files, prepared pursuant to the Construction (Design and Management) Regulations 2015</p>	<p>Retained as long as is reasonably necessary to inform on future construction projects at the School site</p>	SHRED/DELETE	N/A

9	Insurance			
9.2	Insurance certificates and schedules of cover	Indefinitely	N/A	No
9.3	Correspondence with insurers related to specific accidents or incidents	<p>Three years generally</p> <p>If the incident involved a pupil - DOB of the pupil involved in the incident + 21 years; or</p> <p>Three years from the date of an incident which may become contentious if the pupil was 18 years old at the date of the incident</p> <p>Disease claims or where there have been allegations of abuse - indefinitely</p>	<p>Review for further retention in the case of civil claims for disease or personal injury</p> <p>SHRED/DELETE</p>	No
10	Investigations, reviews and inquiries			
10.2	Documents relevant to IICSA	Indefinitely	Review once the Inquiry has been completed.	No - unless the school has received a formal notice from IICSA
10.3	<p>Internal reports and investigations into accidents / incidents</p> <p>Copies of reports submitted to external agencies / regulators such as Independent Schools Inspectorate, Health and Safety Executive,</p>	<p>Where the investigation / inquiry / report has been necessitated as a result of a specific incident, these documents are stored centrally for at least three years where there is a risk of enforcement action and / or criminal prosecution and / or a civil claim. Where this relates to pupil DOB +21 years); or</p> <p>Three years from the date of an incident which may become contentious if the</p>	SHRED/DELETE	No

	Local Authority etc External reports, reviews, investigations and inquiries for example inquests and public inquiries	pupil was 18 years old at the date of the incident.		
11	Alumni records			
11.2	Alumni should be treated as employees for the purposes of health and safety records.	As set out in section 6 above	As set out in section 6 above	No
11.3	General alumni correspondence, membership forms etc	Six years after the last time the individual contacted the School This is subject to any longer retention period set out above. For example, records relating to a reportable disease should be kept indefinitely .	SHRED/DELETE	No
12	Material kept for archiving purposes in the public interest or for historical research purposes or statistical purposes			
12.2	Records which do not contain personal data, for example, old photographs of School buildings, title deeds etc	Can be kept indefinitely	N/A	No
12.3	Records relating to a number of pupils, or the School generally, such as old class photographs, lists of pupils	Can be kept indefinitely	N/A	No

	attending the School in any given year, School prospectuses, newspaper cuttings etc			
12.4	Records concerning specific pupils kept for a valid reason. For example, a poem written by an exceptionally gifted pupil.	<p>Can be kept indefinitely subject to the comments below.</p> <p>Please note that this does not apply to more routine pupils records. Routine work produced by pupils should not be kept for longer than the retention period set out in section 2.1 above unless the School has a specific reason for keeping it and that decision can be justified.</p> <p>For example, for historical research purposes such as if the School wished to retain the essays written by pupils which were submitted to an essay competition about growing up in the 2010s. The School may be required to anonymise any data held, unless, the anonymisation process would defeat the purpose for holding the data in the first place.</p>	N/A	No
13	CCTV, videos, recordings and photographs			

13.3		<ul style="list-style-type: none"> • 90 days 	<p>DELETE</p> <p>The School should consider the relevant limitation periods for claims being brought against the School and seek advice as necessary.</p>	No
13.4	Photographs of pupils for internal administration purposes e.g. to identify the pupil or photographs used on security passes	These photographs should be retained for as long as they are required for the purpose for which they were taken.	<p>SHRED/DELETE</p> <p>Review for further retention in the case of relevance to contentious disputes.</p>	No
13.5	Photographs or videos of pupils taken for marketing reasons e.g. photographs for use in the School prospectus or a video of pupils	<p>These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.</p> <p>If the School would like to retain the images for historical reasons please</p>	<p>SHRED/DELETE</p> <p>Review for further retention in the case of relevance to contentious disputes.</p>	No

	on the School's website	see the comments at 12.3 above.		
13.6	Photographs or videos of pupils used as part of the curriculum e.g. a video of a drama lesson/ performance or as part of an art project	<p>These photographs and videos should be retained for as long as they are required for the purpose for which they were taken.</p> <p>If the School would like to retain the images for historical reasons please see the comments at 12.3 above.</p>	<p>SHRED/DELETE</p> <p>Review for further retention in the case of relevance to contentious disputes.</p>	No