

Data retention Policy

Introduction

This policy sets out how long employment/recruitment-related information will normally be held by us and when that information will be confidentially destroyed.

Responsibility

4myschools data protection officer OR Simone Payne CEO is responsible for implementing and monitoring compliance with this policy.

They will undertake an annual review of this policy to verify that it is in effective operation.

Our process

Information (hard copy and electronic) will be retained for the period specified in our Records Retention Schedule.

All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints, grievances or safeguarding.

Hard copy and electronically held documents and information must be deleted at the end of the retention period unless there is a requirement to delay deletion as above.

Hard copy documents and information must be disposed of by shredding or placing in confidential waste bags for professional shredding.

4myschools will retain your personal data only for as long as is necessary. Different laws require us to keep different data for different periods of time.

The Conduct of Employment Agencies and Employment Businesses Regulations 2003, require us to keep work-seeker records for at least one year from (a) the date of their creation or (b) after the date on which we last provide you with work-finding services.

Where 4myschools has obtained your consent to process your sensitive personal data for a DBS check, we will do so in line with DBS retention policy upon expiry of that period the Company will seek further consent from you. Where consent is not granted 4myschools will cease to process your sensitive personal data and personal data.

4myschools will keep work-seeker and employee records for a minimum of 3 years from (a) the date of their creation or (b) after the date on which we last provide you with work-finding services.

4myschools has a legitimate or legal requirement to our candidates, clients, employees, or our own business interests to keep some records for longer than 3 years.

Records Retention Schedule

This Record Retention Schedule sets out the time periods that different types of records must be retained for business and legal purposes.

The retention periods are based on business needs and legal requirements and should be read in accordance with 4myschools data protection policy.

If you maintain any types of records that are not listed in this schedule and it is not clear what retention period should apply, please contact the data protection officer OR Simone Payne for guidance.

Any deviance from the retention periods in this schedule must be approved in advance by Simone Payne

The first section of this policy will address employment records, the second section will address work-seeker records.

Internal employee/applicants for internal roles

Record	Retention Period	Storage Format	Lawful basis and reference
Rejected job applicant records, including: <ul style="list-style-type: none"> • Contact details. • CV/Applications • References • Test results • Interview notes 	Six months after applicant is notified of rejection.	electronic	Legitimate business interest <ul style="list-style-type: none"> • To ensure that we do not accept multiple applications from the same rejected candidate. • To consider alternative roles for the candidate • To demonstrate fair and non-discriminatory recruitment process • Kept in line with the Equality Act 2010 (s.123)
Application records of successful candidates, including: <ul style="list-style-type: none"> • CV/Applications • References • Training certificates • Correspondence concerning employment. • Test result • Interview notes 	Up to the end of six years after employment ceases	electronic	Legitimate business interest <ul style="list-style-type: none"> • To protect the business against any legal claims for breach of contract <ul style="list-style-type: none"> ○ Kept in line with the Limitation Act 1980 (s.5) • To demonstrate compliance with a fair and non-discriminatory recruitment process

<p>Employment contracts including:</p> <ul style="list-style-type: none"> • Training records • Written particulars of employment • Changes to terms and conditions 	<p>Up to the end of six years after employment ceases</p> <p>[if document executed as a deed- this should be 13 years after employment ceases- s.8 Limitation Act 1980]</p>	<p>Paper or electronic</p>	<p>Legitimate business interest</p> <ul style="list-style-type: none"> • To protect the business against any legal claims for breach of contract <ul style="list-style-type: none"> ○ Kept in line with the Limitation Act 1980 (s.5) • Confirmation of rights and obligations owed and due by employee- employer
<p>Employee performance and conduct records:</p> <ul style="list-style-type: none"> • Probationary reviews • Review and appraisal notes • Promotions/demotions 	<p>Up to seven years after employment ceases</p>	<p>Paper or electronic</p>	<p>Legitimate business interest</p> <ul style="list-style-type: none"> • To protect the business against any legal claims for breach of contract <ul style="list-style-type: none"> ○ Kept in line with the Limitation Act 1980 (s.5) • Confirmation of rights and obligations owed and due by employee- employer
<p>Other employment records</p> <ul style="list-style-type: none"> • Redundancy records • Annual leave records • Parental leave records • Sickness records • Return to work meetings 	<p>Up to the end of six years after employment ceases</p>	<p>Paper or electronic</p>	<p>Legitimate business interest</p> <ul style="list-style-type: none"> • To protect the business against any legal claims for breach of contract <ul style="list-style-type: none"> ○ Kept in line with the Limitation Act 1980 (s.5) • Confirmation of rights and obligations owed and due by employee- employer

Directors' service contracts and any variations	Up to the end of six years after employment ceases if document executed as a deed- this should be 13 years after employment ceases- s.8 Limitation Act 1980]	Paper or electronic	Legitimate business interest <ul style="list-style-type: none"> To protect the business against any legal claims for breach of contract Confirmation of rights and obligations owed and due by employee- employer. Legal obligation <ul style="list-style-type: none"> Retained for one year from the date of termination or expiry. Kept in line with Companies Act 2006 (s.228)
Copies of identification documents/right to work	Kept for two years from date of termination of employment	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with the Immigration (Restrictions on Employment) Order (Art 6(1)(b))
Records relating to/demonstrating compliance with Working Time Regulations 1998: <ul style="list-style-type: none"> Registration of work and rest periods Working time opt-out forms 	Kept for two years from the date on which the record was made	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with the Working Time Regulations 1998 (Regulation 9)
Criminal records information <ul style="list-style-type: none"> Information forms DBS check forms DBS certificates 	Six months as the maximum time frame (unless safeguarding issues or other similar extenuating circumstances are raised).	Paper or electronic	Legitimate business interest <ul style="list-style-type: none"> To demonstrate that safeguarding processes were followed. Framework requirements
Gender pay gap reporting information	Kept available for a period of at least three years beginning with the date of publication	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 (Regulation 15)

Work-seeker records

Record	Retention Period	Storage Format	Lawful basis and reference
Work-seeker records <ul style="list-style-type: none"> Name/address and date of birth Any terms between recruitment business and the work-seeker and any variations Details of the work-seeker's training, experience, qualifications and any authorisation to undertake particular work. Names of hirers to whom the work-seeker is introduced or supplied. Details of any resulting engagement and date from which it takes effect. Details of any enquiries made under Regulations 19, 20 and 22 about the work-seeker and the position concerned. Candidate assignment history 	Kept for 3 years after you last provided your work-finding service.	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Reg 29) Legitimate business interest <ul style="list-style-type: none"> To protect the business against any legal claims for breach of contract <ul style="list-style-type: none"> Kept in line with the Limitation Act 1980 (s.5) To keep records to demonstrate that safeguarding processes are adhered to and followed. To contact the candidate for any further work-finding services To protect your business against any legal claims
	6 years		
<ul style="list-style-type: none"> Safeguarding allegations 	10 years		

Records relating to/demonstrating compliance with Working Time Regulations 1998: <ul style="list-style-type: none"> Registration of work and rest periods Working time opt-out forms 	Kept for two years from the date on which the record was made	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with the Working Time Regulations 1998 (Reg 9)
Copies of identification documents/right to work	Kept for two years from date of termination of employment	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with the Immigration (Restrictions on Employment) Order (Art 6(1)(b))
Criminal records information <ul style="list-style-type: none"> Information forms DBS check forms DBS certificates 	Kept for twelve months after your last assignment or date of termination of employment unless safeguarding issues or other similar extenuating circumstances are raised	Paper or electronic	Legitimate business interest <ul style="list-style-type: none"> To demonstrate that safeguarding processes were followed
Gender pay gap reporting information	Kept available for a period of at least three years beginning with the date of publication	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 (Regulation 15)

Payroll and salary records

Record	Retention Period	Storage Format	Lawful basis and reference
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Payroll information	Kept for three years after the end of the tax year to which they relate	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with Income Tax (Pay As You Earn) Regulation 2003 (Regulation 97)
Intermediary reporting information <ul style="list-style-type: none"> HMRC have produced guidance on the different information required 	Kept for three years after the end of the tax year to which they relate	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with Income Tax (Earnings and Pensions Act 2003) (Section 716B) as well as The Income Tax (Pay As You Earn) (Amendment No.2) Regulations 2015
VAT records <ul style="list-style-type: none"> Keep records of sales and purchases Keep a separate summary of VAT called VAT account Issue correct VAT invoices 	Kept for minimum six years	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Please see government guidance
Company accounts	Kept for minimum six years from the end of the last company financial year they relate to	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Please see government guidance
National minimum wage records <ul style="list-style-type: none"> Records demonstrating compliance with national minimum wage requirements including hours worked 	Kept for three years beginning with the day upon which the pay reference period immediately following that to which they relate ends	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with National Minimum Wage Regulations 2015 (Regulation 59)

Sickness records	Three years from the date employment was terminated	Paper or electronic	Legitimate business interest <ul style="list-style-type: none"> To demonstrate that statutory sick pay has been paid/demonstrate why it was not paid if HMRC investigate
Statutory Maternity/paternity and adoption pay	Kept for three years after the end of the tax year in which the period of statutory pay ends	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Kept in line with Statutory Maternity Pay (General) Regulations 1986 (and other corresponding legislation) (Regulation 26)
Pensions auto-enrolment	Kept for a minimum of six years, some records will need to be kept for a longer period	Paper or electronic	Legal obligation <ul style="list-style-type: none"> Please consider Pensions Regulator guidance)