

# **GDPR Records Management & Retention Policy**



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# Contents

1. Introduction
2. Scope of policy
3. Responsibilities
4. Relationship with existing policies
5. The regulatory environment
6. What the school will do
7. Review

## **1. Introduction**

FreshSteps Independent School ('the school') recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. Records provide evidence for protecting the legal rights and interests of the school and provide evidence for demonstrating performance and accountability.

This document provides the policy framework for the effective management and auditing of the school's records management arrangements.

## **2. Scope of the policy**

This policy applies to all records created, received or maintained by staff of the school while carrying out its functions.

The policy applies to the management of school records regardless of format or the location from or in which school employees, agents, contractors and partners access them.

Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, acquired or maintained in hard copy or electronically.

Where the school identifies records for permanent preservation its archives for historical research it will liaise with the Local Authority Archives Service or another appropriate body to manage the process.

## **3. Responsibilities**

The school's Governing Board has responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy on a day-to-day basis is the school's Headteacher.

The person responsible for day-to-day records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way. They will also monitor compliance with this policy by surveying (at least) annually to check if records are stored securely and can be accessed appropriately.

Individual staff and employees must ensure that records for which they are responsible are accurate, maintained and disposed of in accordance with the school's records management guidelines.

## **4. Relationship with existing policies and guidance**

This policy has due regard to legislation including, but not limited to, the following:

- General Data Protection Regulation (GDPR)
- Freedom of Information Act 2000
- Limitation Act 1980
- Data Protection Act 2018
- Information Records Management Society (IRMS) (2019) 'Information Management Toolkit for Schools'
- DfE (2018) 'Data Protection: a toolkit for schools'
- DfE (2018) 'Careers guidance and access for education and training providers'

This policy will be implemented in accordance with the following school policies and procedures:

- GDPR Data Protection Policy and Freedom of Information
- GDPR Data Incidents and Breaches Policy
- Information Assets Register
- E-Safety Policy
- ICT Acceptable Use Policy
- Safer Recruitment Policy
- Social Media Policy
- Website Policy

This policy aims to ensure that the school creates or acquires, uses, stores and disposes of records in accordance with the legal framework and codes of practice.

## **5. The regulatory environment**

The school will operate within a legal framework set by statute, case law and regulations including, but not limited to:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Criminal Justice Act 1988
- Civil Evidence Act 1995
- Regulation of Investigatory Powers Act 2000
- Human Rights Act 1998
- Re-use of Public Sector Information Regulations 2015
- General Data Protection Regulations 2017
- Data Protection Act 2018

and within relevant Codes of Practice, including but not limited to:

- Code of Practice on Records Management issued in July 2009 by the Lord Chancellor under section 46 of the Freedom of Information Act 2000
- Local Government Transparency Code 2015.

## 6. What the school will do

The Code of Practice on Records Management issued in July 2009 under section 46 of the Freedom of Information Act 2000 defines a record as:

*'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'*

In terms of this policy, 'records' are defined as all documented information.

The school will create (or acquire) records according to the needs of the school.

Records will be managed so that they are:

- kept up to date
- accessible to those who need to access them
- reviewed regularly
- retained in line with the school's retention schedule
- disposed of at the appropriate time in a way that is in keeping with the type of record.

The school will ensure adequate controls are in place to:

- protect records from accidental or intentional inappropriate access
- allow the sharing of records safely and appropriately
- make information openly available (where appropriate)
- manage records in compliant and safe way and in line with legislative requirements.

The school will consider individuals' privacy whenever a new record containing personal information is created or acquired and will conduct Data Protection Impact Assessments as appropriate.

The school will have regard to authoritative practice guidance (from sources such as The Information Records Management Society - IRMS, the Information Commissioner's Office - ICO and the Department for Education - DfE) and will incorporate it as appropriate into its records management arrangements.

All school records will be managed in accordance with this Records Management and Retention Policy.

### Retention Schedule

The school will maintain a Retention Schedule which will list all the record series retained by the school (including those containing personal / special personal data), along with the retention period. Also, amongst other relevant information the schedule will identify new or obsolete records, changes in retention periods, destruction methods and it will document records retained outside the stated period. The school recognises that the Retention Schedule is an active document and will regularly review the schedule to maintain its relevance and effectiveness.

To determine a record's retention period, the school will follow relevant legislation, consider recommendations by appropriate advisory bodies, e.g. the advice from the IRMS, the DfE, educational best practice and the school's own assessment of the record's value to the functioning of the school.

### Disposal

Disposing of records is an important part of a record's lifecycle. The school recognises that the disposal of records requires proper management and execution. The advantages of carrying out effective records disposal are:

1. Reducing unnecessary storage costs
2. Enabling quicker and more efficient record retrievals on requests for personal information and on Freedom of Information and Environmental Information requests.

In operational terms, the school will manage its records to meet three broad aims:

Aim	How	Why
<p><b>Store and maintain information in a controlled manner</b></p>	<p>By storing information and controlling access to it by the appropriate staff.</p> <p>By collecting and keeping information to agreed standards according to the needs of the school.</p> <p>By effectively managing the amount of physical records stored both on-site and off-site.</p>	<p>To ensure that information can be found easily and is accessible to the right people when they need to it.</p> <p>To enable better decision making.</p> <p>To enable appropriate re-use and sharing of information.</p> <p>To reduce the risk of reputational damage due to inaccurate or incomplete information.</p> <p>To ensure cost effective storage of records.</p> <p>To ensure that the pupils, staff, parents and partners have confidence that records are authoritative and reliable.</p>
<p><b>Protect information</b></p>	<p>By ensuring relevant security mechanisms are in place.</p> <p>By training staff on the correct and safe handling of</p>	<p>To ensure business continuity and that the school is able to continue to function.</p>

Aim	How	Why
	<p>information particularly special (sensitive) information.</p> <p>By considering security matters when transporting or transferring personal information.</p>	<p>To prevent loss of or inappropriate access to special (sensitive information).</p>
<p><b>Retain authoritative information about past and present activities</b></p>	<p>By regularly checking the information held by the school.</p> <p>By ensuring that information is held for as long as it is required as set out in the school's Retention and Disposal schedule.</p>	<p>To ensure the school has the information it needs to deliver its services.</p> <p>To support compliance with the FOIA, EIR, GDPR 2017 and the process of handling requests for personal information under the Data Protection Act 2018 or the access to school records provisions.</p>

## DISPOSAL OF RECORDS SCHEDULE

FreshSteps Independent School has a full disposal of records schedule. To receive information from this or to find out a specified time for how long we may keep a certain piece of information on a data subject, please contact the school office.