



MORLEY COLLEGE LONDON

Information and Data Retention Policy

POLICY OWNER: Data Protection Officer
APPROVAL: Policy Committee
LAST APPROVAL: 17 September 2018
NEXT REVIEW: September 2022

Equality Analysis Screening

<p>Equality analysis is a way of considering the effects on different groups protected from discrimination by the equality act. Consider if there are any risks within this policy that will adversely affect a particular group or a variety of groups. Are there any changes that need to be made to the policy its self or additional actions that need to be made to mitigate the risks? The protected characteristics are:</p> <ul style="list-style-type: none">• Race• Sex• Disability• Age• Sexual Orientation• Gender reassignment• Religion and Belief• Maternity and Pregnancy• Marriage and Civil Partnership
<p>Risks identified:</p> <p>None</p>
<p>Evidence used:</p> <p>Information Commissioner’s Office Guide to Data Protection Information Commissioner’s Office Guide to the General Data Protection Regulation (GDPR) Information Commissioner’s Office “Preparing for the General Data Protection Regulation” Association of Colleges guidance note “Colleges and the General Data Protection Regulations”</p> <p>Consultation and further consideration through the College GDPR Task and Finish Group</p>
<p>Does this policy need a further action before it can be approved? (changes made to policy or further equality analysis needed)</p> <p>No</p>

MORLEY COLLEGE LONDON

Information and Data Retention Policy

1. INTRODUCTION AND PURPOSE

In the course of its business Morley College London collects and generates a wide range of data about its students, governors, employees and other individuals. It has put in place an Information and Data Protection Policy that sets out how those data are collected and processed in compliance with legislative and regulatory requirements, including the requirements of the Data Protection Act 2018 and the General Data Protection Regulation 2016/679 (GDPR). The College also collects and generates information that is not personal to any individual but that it needs to retain to comply with statutory or regulatory requirements or wishes to retain for business purposes.

This policy provides a framework for the retention of both personal data and other information. It takes account not only of statutory and regulatory requirements but also of the desirability of not keeping records for longer than necessary. Regular deletion of unwanted records ensures that storage capacity is effectively used, minimises the risk of disclosure of personal data and helps to ensure the reliability and relevance of such information as is retained.

2. DEFINITIONS

In this policy:

‘data’ means facts or statistics in a raw or unorganised form that refer to, or represent, conditions, ideas, people or objects;

‘information’ means data organised for a purpose;

‘personal data’ means information relating to an identified or identifiable living individual (as defined in the Data Protection Act 2018); and

‘records’ means the documents, files or other media in which data and information are held.

3. POLICY STATEMENT

As a general principle, the College will not retain records for any longer than is necessary.

The records that the College holds at any time may be divided into three categories according to whether they:

- are required for current business purposes (category one);
- are not required for current business purposes, but need to be retained because of a statutory or regulatory requirement (category two); or
- do not fall into category one or category two, but are potentially of historical value (category three).

Category one – records required for current business purposes

In determining whether records are required for current business purposes, managers will normally retain records for a period of two years after the end of the college year in which the information that they contain was collected or generated. At least once a year, all current (category one) records that have been held for more than two years will be reviewed. If there is no continuing business need to retain the information, they will be considered for transfer to category two or category three. Records for which there is no continuing business need and that are not transferred to category two or category three will be deleted.

Records in category one may be deleted before the end of two years after the year in which the information that they contain was collected or generated if it is clear that there is neither any business need nor any statutory or regulatory requirement to retain the information.

In accordance with the Information and Data Protection Policy, personal data must be deleted as soon as possible if the data subject has requested deletion or has withdrawn consent to the processing of the data and if none of the other lawful bases for the College processing the data (as set out in the GDPR) applies. The College will seek to anonymise personal data wherever practicable.

Category two – records retained because of a statutory or regulatory requirement

Records in category two will be classified according to the date after which the College is no longer required to retain them. Records that the College has held for more than five years after the end of the year in which the information that they contain was collected or generated and that it is required to continue to retain will be retained in an archive file. Schedules listing the category two records held in both current and archive files will be reviewed annually and whenever there is a change in legislative or regulatory requirements relating to information retention, and records that the College is no longer required to retain will be deleted unless it is decided that they should be transferred to category three.

The principal bodies requiring the College to retain records that are likely to contain personal data include:

- The Education and Skills Funding Agency;
- The European Social Fund;
- The Greater London Authority;
- The Health and Safety Executive;
- HM Revenue and Customs;
- Local Authority Safeguarding Boards;
- The Office for Standards in Education (Ofsted);
- The Office for Students;
- The Pensions Regulator; and
- The Quality Assurance Agency for Higher Education.

Category three – other records retained for their historical value

Records in category three will be maintained in archive files and a schedule of those files will be reviewed annually by a designated senior post-holder.

4. POLICY OBJECTIVES

To ensure that information is retained only for as long as it is required, kept in an accessible form and deleted when there is no longer a reason for its retention.

5. SCOPE OF POLICY

The policy applies to all employees of the College. This policy does not form part of the formal contract of employment, but it is a condition of employment that employees will abide by the rules and policies made by the College from time to time and non-compliance with this policy may result in disciplinary action.

The policy covers all information collected or generated by the College, including:

- student records (including assessment and progress records);
- governor and employee records;
- financial records and reports;
- contracts, deeds and other legal documents;
- health and safety records and reports;
- safeguarding records and reports;
- risk management records and reports;
- quality monitoring reports;
- internal and external audit reports;
- records of meetings, including information considered at those meetings;
- IT specifications and logs;
- policies and procedures;
- strategies, plans and organisation charts;
- marketing materials; and

- correspondence including emails.

6. RESPONSIBILITY STRUCTURE

The Data Protection Officer is responsible, as policy owner, for keeping this policy under review and proposing changes as required. Changes to the Policy will be considered by the Policy Committee which will, in addition, undertake a full review of the Policy every four years.

The Senior Management Team (SMT) is responsible for ensuring implementation of the Policy throughout the College.

Individual managers are responsible for ensuring that the records that are under their control and the schedules showing where those records are held are accurate and up to date, and that any personal data included in those records are processed in accordance with the Information and Data Protection Policy.

7. PRACTICAL IMPLEMENTATION

The Data Protection Officer will maintain a data retention schedule listing the records within categories one and two that contain personal data. The schedule will identify the individual (who will be either a member of the College Management Team (CMT) or the Clerk to the Governing Body) who is responsible for each type of record. Where a minimum retention period applies, the schedule will show the length of that minimum period and the statutory or regulatory basis for it.

Each CMT member and the Clerk will be required annually to review and update the section of the schedule containing the records for which he or she is responsible.

The Data Protection Officer will ensure that a summary data retention schedule showing the main types of record held and the manager responsible for each type is provided annually to the SMT.

The maintenance of category three records will be the responsibility of a designated member of the SMT.

8. COMMUNICATION AND TRAINING

The policy will be communicated to staff through members of the CMT and via the College's intranet and website.

The Data Protection Officer will work with the Head of Human Resources to ensure that managers responsible for information and data retention receive appropriate awareness training.

9. REVIEW AND MONITORING OF POLICY

The Information and Data Retention Policy will be reviewed every four years by the Policy Committee. The SMT is responsible for monitoring the implementation of the Policy via reports from the Data Protection Officer and relevant members of the CMT.