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 **Retention and GDPR Policy**

**1. Purpose**

 V Learning Network (Hereafter referred to as VLN) obtains, keeps and uses personal information (also referred to as data) about our employees, students and third parties (including customers, contractors and suppliers) during the course of our business activities and are committed to treating it appropriately and lawfully. The personal data may be held in hard copy and/or electronic form.

 The purpose of this policy is to ensure that the data and materials that we hold is kept secure and that it is held for no longer than is necessary for the purposes for which it is being processed. In addition, we will retain the minimum amount of information to fulfil our statutory obligations and the provision of goods or/and services – as required by the data protection legislation, including the General Data Protection Regulation (GDPR).

## 2. Statutory Duties

* HM Government Information Sharing 2015
* General Data Protection Regulation (GDPR) 2018

## 3. Scope

 i. This retention policy is a tool used to assist VLN in making decisions on whether a particular document should be retained or disposed of. In addition, it takes account of the context within which the personal data is being processed and our business practices.

 ii. Decisions around retention and disposal should be taken in accordance with this policy.

 iii. Where a retention period of a specific document has expired, a review should always be carried out prior to the disposal of the document. This does not have to be time-consuming or complex. If a decision is reached to dispose of a document, careful consideration should be given to the method of disposal.

 iv. This Policy applies to all personal information we process regardless of how that data is stored or whether it relates to past or present employees, job applicants, workers, agency workers, consultants or contractors, interns, apprentices, volunteers, customers, clients or supplier contacts.

**4. Definitions:**

4.1. Criminal records information means personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures;

4.2.  Legitimate interests assessment (LIA) means an assessment of what our legitimate interest is, whether the processing necessary to achieve that interest and balancing this against the individual's interests, rights and freedoms;

4.3. Personal information (sometimes known as personal data) means information relating to an individual who can be identified (directly or indirectly) from that information;

4.4. Processing means obtaining, recording, organising, storing, amending, retrieving, disclosing and/or destroying information, or using or doing anything with it;

4.5. Pseudonymised means the process by which personal information is processed in such a way that it cannot be used to identify an individual without the use of additional information, which is kept separately and subject to technical and organisational measures to ensure that the personal information cannot be attributed to an identifiable individual;

**5. Policy**

VLN will always only follow lawful reasons for holding and processing personal information. In relation to any processing activity we will, before the processing starts for the first time and then regularly while it continues:

5.1. Review the purposes of the particular processing activity, and select the most appropriate lawful reason(s) for that processing, which may be one, or a combination of:

* that the data subject has consented to the processing (this will only apply in limited circumstances);
* that the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
* that the processing is necessary for compliance with a legal obligation to which VLN is subject;
* that the processing is necessary for the purposes of legitimate interests of VLN or a third party, except where those interests are overridden by the interests or fundamental rights and freedoms of the data subject;
* where criminal records information is processed, also identify a lawful condition for processing that information, and document it.

5.2. When deciding whether the VLN’s legitimate interests are the most appropriate reason for lawful processing, we will:

* Conduct a legitimate interests assessment (LIA) and keep a record of it, to ensure that we can justify our decision;
* If the LIA identifies a significant privacy impact, consider whether we also need to conduct a data protection impact assessment (DPIA);
* Keep the LIA under review, and repeat it if circumstances change;

**6. Storage & Retention**

**6.1**. Personal information (and sensitive personal information) will be stored securely in accordance GDPR

**6.2** The length of time for which data should be retained will depend upon the circumstances, including the reasons why the personal information was obtained and any relevant legal, regulatory or business considerations (See appendix 1)

**6.3** Personal information (and sensitive personal information) that is no longer required will be deleted permanently from our information systems and any hard copies will be destroyed securely.

**6.4** You must help VLN comply with its obligations in relation to the storage and retention of personal data by not keeping personal information in a form which enables the identification of the person it relates to for longer than needed for the legitimate business purpose(s) for which we collected it.

**7. Responsibility**

* Stephen Howard is responsible for maintaining the retention schedule, updating it to reflect changing business needs, new legislation, changing perceptions of risk management and new priorities for our business.
* Stephen Howard is responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documents.
* Stephen Howard may delegate the operational aspect of this function to any trusted member of VLN

**8. Disposal**

VLN must ensure that personal data is securely disposed of when it’s no longer needed. This will reduce the risk that it will become inaccurate, out of date or irrelevant.

The method of disposal should be appropriate to the nature and sensitivity of the documents concerned and includes:

* Confidential paper waste is collected and disposed of by Lyreco.
* VLN will retain some forms of information for longer than others. Currently information about learners will be kept for 10 years after they leave the course. However, this is extended to 31/12/2030 for ESF 2014-2020 match funding. This will include all ILR documentation.
* VLN will be required to keep general information on staff for 5 years after they leave. Certain specific information will be kept for much longer e.g., information in respect of pensions, taxation, and information required for references.
* Non-Confidential records: place in wastepaper bin for disposal
* Deletion of Computer Records
* Transmission of records to an external body
* Cloud storage

**Appendix 1: Document retention schedule**

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| **Type of record** | **Retention period** | **Where is it stored?** | **Reason** | **Method of Deletion** |
| **Employment records**: |   |   |   |   |
| PAYE records | 3 years from end of fiscal year | Computer | Legal | Deletion |
| Medical and health records | 3 years after employment ceases | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Unsuccessful candidates | 6 months after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Accident report forms | 3 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Employment records: redundancy, equal opportunities; health & welfare records | 6 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Pay & tax: pay deductions, tax forms, payroll, loans | 6 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Records of formal disciplinary actions in employee file | 6 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Records of formal grievances in employee file | 6 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| **Commercial contracts:** |   |   |   |   |
| Contracts with Funding Bodies | 7 years after last action | ComputerHard Copy | Contractual | DeletionConfidential Shredding |
| Contracts with Partners | 7 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Purchase orders and invoices | 7 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Accounting & financial management information | 6 years from end of fiscal year | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| **Operational records:** |   |   |   |  |
| Fire Risk Assessments | Retain until superseded | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Policies/Procedures | 7 years | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Complaints | 6 years from end of fiscal year | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Building (i.e. lease/deeds) | Destroy 6 years after property is no longer occupied] | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Maintenance contracts | 15 years from last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Insurance schedules | 10 years after last action | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Register of Trustees  | Life of company | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Employer’s liability insurance certificates | Life of company | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| **Email records:** |   |   |   |   |
| Email correspondence | Archive emails after 6 months | ComputerHard Copy | Legal | Archive  |
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| **Training Records – in accordance with the ESF 2014-2020 match funding rules some of the document below need to be kept until 2030.** |
| Applications | 2 years | Hard Copy | Legal | Confidential Shredding |
| Certificates | 31/12/2030 | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| ILR | 31/12/2030 | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| ILP | 31/12/2030 | Hard Copy | Legal | Confidential Shredding |
| Programme Work | 7 years | ComputerHard Copy | Legal | DeletionConfidential Shredding |
| Personal Files | 7 years | Hard Copy | Legal | Confidential Shredding |