

# Data Retention Policy



Company name:	The Edwin Group Vision for Education / ABC Teachers / Smart Teachers / Edwin Education
Document	Retention policy
Topic:	Data protection
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## 1. Introduction

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

## 2. Responsibility

- 2.1. The Data Protection Lead is responsible for implementing and monitoring compliance with this policy.
- 2.2. They will undertake an annual review of this policy to verify that it is in effective operation.

## 3. Our process

- 3.1. Information (hard copy and electronic) will be retained for the period specified in our Records Retention Schedule.
- 3.2. 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 or grievances.
- 3.3. 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 per paragraph 3.2).
- 3.4. Hard copy documents and information must be disposed of by shredding and placing in confidential waste bins once securely uploaded to the correct place at the earliest opportunity. Electronically received documents and information must be deleted from image/document storage, message systems and/or inboxes once uploaded to the correct secure storage.
- 3.5. Hard copy documents of Confidential and Internal Use Only (see [Information Security Policy Framework Appendixes C and D](#)) should not be taken to, or accepted at, offsite meetings.

## 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 the Company's 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 Lead for guidance.

Any deviance from the retention periods in this schedule must be approved in advance by the Data Protection Lead.

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

### 1. 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"> <li>· Contact details</li> <li>· CV/applications</li> <li>· References</li> <li>· Test results</li> <li>· Interview notes</li> </ul>	12 months after applicant is notified of rejection. The application forms should give applicants the opportunity to object to their details being retained	Paper or electronic	Legitimate business interest <ul style="list-style-type: none"> <li>· To ensure that you do not accept multiple applications from the same rejected candidate</li> <li>· To consider alternative roles for the candidate</li> <li>· To demonstrate fair and non-discriminatory recruitment process</li> <li>· Kept in line with the Equality Act 2010 (s.123)</li> </ul>
Application records of successful candidates, including: <ul style="list-style-type: none"> <li>· CV/applications</li> <li>· References</li> <li>· Training certificates</li> <li>· Correspondence concerning employment</li> <li>· Test result</li> <li>· Interview notes</li> </ul>	Up to the end of 6+1 years after employment ceases	Paper or electronic	Legitimate business interest <ul style="list-style-type: none"> <li>· To protect the business against any legal claims for breach of contract</li> <li>- Kept in line with the Limitation Act 1980 (s.5)</li> <li>· To demonstrate compliance with a fair and non-discriminatory recruitment process</li> </ul>
Employment contracts including: <ul style="list-style-type: none"> <li>· Training records</li> <li>· Written particulars of employment</li> <li>· Changes to terms and conditions</li> </ul>	Up to the end of 6+1 years after employment ceases	Paper or electronic	Legitimate business interest <ul style="list-style-type: none"> <li>· To protect the business against any legal claims for breach of contract</li> <li>- Kept in line with the Limitation Act 1980 (s.5)</li> <li>· Confirmation of rights and obligations owed and due by employee employer</li> </ul>

<p>Employee performance and conduct records:</p> <ul style="list-style-type: none"> <li>· Probationary reviews</li> <li>· Review and appraisal notes</li> <li>· Promotions/demotions</li> </ul>	Up to 6+1 years after employment ceases	Paper or electronic	<p>Legitimate business interest</p> <ul style="list-style-type: none"> <li>· To protect the business against any legal claims for breach of contract</li> <li>- Kept in line with the Limitation Act 1980 (s.5)</li> <li>· Confirmation of rights and obligations owed and due by employee employer</li> </ul>
<p>Other employment records</p> <ul style="list-style-type: none"> <li>· Redundancy records</li> <li>· Annual leave records</li> <li>· Parental leave records</li> <li>· Sickness records</li> <li>· Return to work meetings</li> </ul>	Up to the end of 6+1 years after employment ceases	Paper or electronic	<p>Legitimate business interest</p> <ul style="list-style-type: none"> <li>· To protect the business against any legal claims for breach of contract</li> <li>- Kept in line with the Limitation Act 1980 (s.5)</li> <li>· Confirmation of rights and obligations owed and due by employee employer</li> </ul>
Directors' service contracts and any variations	Up to the end of 6+1 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	<p>Legitimate business interest</p> <ul style="list-style-type: none"> <li>· To protect the business against any legal claims for breach of contract</li> <li>· Confirmation of rights and obligations owed and due by employee- employer</li> </ul> <p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Retained for one year from the date of termination or expiry</li> <li>· Kept in line with Companies Act 2006 (s.228)</li> </ul>
Copies of identification documents/right to work	Kept for 6+1 years from date of termination of employment	Paper or electronic	<p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Kept in line with the Immigration (Restrictions on Employment) Order (Art 6(1)(b))</li> </ul>
<p>Records relating to/ demonstrating compliance with Working Time Regulations 1998:</p> <ul style="list-style-type: none"> <li>· Registration of work and rest periods</li> <li>· Working time opt-out forms</li> </ul>	Kept for 6+1 years from the date on which the record was made	Paper or electronic	<p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Kept in line with the Working Time Regulations 1998 (Regulation 9)</li> </ul>
<p>Criminal records information</p> <ul style="list-style-type: none"> <li>· Information forms</li> <li>· DBS check forms</li> <li>· DBS certificates</li> </ul>	Kept for six months after employment ceases	Paper or electronic	<p>Legitimate business interest</p> <ul style="list-style-type: none"> <li>· To demonstrate that safeguarding processes were followed</li> <li>· Framework requirements</li> </ul>
Gender pay gap reporting information	Kept available for a period of at least three years beginning with the date of publication	Paper or electronic	<p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Kept in line with Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 (Regulation 15)</li> </ul>

## 2. Work-seeker records

Record	Retention period	Storage format	Lawful basis and reference
<p>Work-seeker records</p> <ul style="list-style-type: none"> <li>· Name/address and if under 22, date of birth</li> <li>· Any terms between recruitment business and the work-seeker and any variations</li> <li>· Details of the work-seeker's training, experience, qualifications and any authorisation to undertake particular work</li> <li>· Names of hirers to whom the work-seeker is introduced or supplied</li> <li>· Details of any resulting engagement and date from which it takes effect</li> <li>· Details of any enquiries made under Regulations 19, 20 and 22 about the work-seeker and the position concerned</li> </ul>	<p>Records will be kept for 6+1 years</p> <ul style="list-style-type: none"> <li>· From the last work assignment with the company</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>· From the date cleared for work</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>· Indefinitely where this is in the public interest or for the protection of children</li> </ul>	Paper or electronic	<p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Kept in line with the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Reg 29)</li> </ul> <p>Legitimate business interest</p> <ul style="list-style-type: none"> <li>· To protect the business against any legal claims for breach of contract</li> </ul> <p>- Kept in line with the Limitation Act 1980 (s.5)</p> <ul style="list-style-type: none"> <li>· To keep records to demonstrate that safeguarding processes are adhered to and followed</li> <li>· To contact the candidate for any further work-finding services</li> <li>· To protect your business against any legal claims</li> </ul>
<p>Records relating to/ demonstrating compliance with Working Time Regulations 1998:</p> <ul style="list-style-type: none"> <li>· Registration of work and rest periods</li> <li>· Working time opt-out forms</li> </ul>	Kept for 6+1 years from the date on which the record was made	Paper or electronic	<p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Kept in line with the Working Time Regulations 1998 (Reg 9)</li> </ul>
Copies of identification documents/right to work	Kept for 6+1 years from date of termination of employment	Paper or electronic	<p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Kept in line with the Immigration (Restrictions on Employment) Order (Art 6(1)(b))</li> </ul>
<p>Criminal records information</p> <ul style="list-style-type: none"> <li>· Information forms</li> <li>· DBS check forms</li> <li>· DBS certificates</li> </ul>	<p><b>On Salesforce</b> – application form is kept for 6+1 years from last work assignment with the company or from date cleared for work. Certificate is deleted post clearance.</p> <p>Positive certificates are kept for 6+1 years from last work assignment with the company Or from date cleared for work (unless safeguarding issues or other similar extenuating circumstances are raised)</p> <p><b>On Llama ID</b> – The Llama ID profile belongs to the candidate, therefore the information remains until candidate requests deletion</p>	Paper or electronic	<p>Legitimate business interest</p> <ul style="list-style-type: none"> <li>· To demonstrate that safeguarding processes were followed</li> </ul>
Gender pay gap reporting information	Kept available for a period of at least three years beginning with the date of publication	Paper or electronic	<p>Legal obligation</p> <ul style="list-style-type: none"> <li>· Kept in line with Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 (Regulation 15)</li> </ul>

Data collected on tutors, pupils and schools in relation to National Tutoring Programme (NTP)	All school, tutor and pupil data, alongside any associated tutoring session information, will be deleted as soon as practicable after we are informed by the NTP that it has ceased to be appropriate to retain the NTP data. All NTP data will be erased from any computers, storage devices and storage media	Electronic	Legitimate business interest · Data Sharing Schedule, NTP Main Agreement
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**Please note:**

**When responding to a deletion request, Terms of Engagement must be kept for seven years as we maintain our right as an employer to retain information in any event that any civil action is brought against us. UK GDPR Article 17 (3)e provides that where processing is necessary for the establishment, exercise or defence of a legal claim we are not obliged to erase personal data.**

### 3. Payroll and salary records

Record	Retention period	Storage format	Lawful basis and reference
Payroll information	Kept for 6+1 years after the end of the tax year to which they relate	Paper or electronic	Legal obligation · Kept in line with Income Tax (Pay As You Earn) Regulation 2003 (Regulation 97)
Intermediary reporting information · HMRC have produced guidance on the different information required	Kept for 6+1 years after the end of the tax year to which they relate	Paper or electronic	Legal obligation · 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 · Keep records of sales and purchases · Keep a separate summary of VAT called VAT account · Issue correct VAT invoices	Kept for 6+1 years [or 10 years if using the VAT MOSS service]	Paper or electronic	Legal obligation · Please see government guidance
Company accounts	Kept for 6+1 years from the end of the last company financial year they relate to (there are circumstances that this would need to be kept shorter/ longer for- please see government guidance for more information)	Paper or electronic	Legal obligation · Please see government guidance
National minimum wage records · Records demonstrating compliance with national minimum wage requirements including hours worked	Kept for 6+1 years beginning with the day upon which the pay reference period immediately following that to which they relate ends	Paper or electronic	Legal obligation · Kept in line with National Minimum Wage Regulations 2015 (Regulation 59)
Sickness records	Should not be kept for longer than 6+1 years	Paper or electronic	Legitimate business interest · To demonstrate that statutory sick pay has been paid/ demonstrate why it was not paid in the event that HMRC investigate
Statutory maternity/paternity and adoption pay	Kept for 6+1 years after the end of the tax year in which the period of statutory pay ends	Paper or electronic	Legal obligation · 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 + 1 years, some records will need to be kept for a longer period	Paper or electronic	Legal obligation · Please consider Pensions Regulator guidance