

Data Retention Policy

You must read this policy because it gives important information about how we retain and delete personal data in accordance with the data protection principles with which The St Andrews Preservation Trust Limited, hereon in referred to as "The Charity", must comply. This Data Retention Policy sits alongside our Data Protection Policy.

Once you have read and understood this policy, please confirm you that have done so by signing and returning the attached copy to the Administrator.

1. Introduction

1.1 The Charity takes the security and privacy of personal information seriously. The Charity gathers and uses data about you and others in the normal course of its business and the delivery of its services and to manage its relationship with you and others with whom it has dealings and comes into contact with.

1.2 This policy applies to all personal data and sensitive personal data ('special categories of personal data') held by the Charity and all third party data processors processing personal information on behalf of the Charity.

1.3 This policy sets out the Charity's position on retention and deletion of personal data and seeks to ensure that those limits as well as further individual rights to erasure, are complied with.

1.4 The Schedules attached to this Policy specify the personal data we process and the various retention limits that apply.

1.5 The Charity obtains, keeps and uses personal information about job applicants and about current and former employees, temporary and agency workers, contractors, interns, volunteers and apprentices, suppliers, customers and clients, partners and funders for a number specific lawful purposes, as set out in the Charity's Privacy Notices.

1.6 The Charity has a duty to hold personal information securely and for no longer than is necessary when considering the purposes for which that data is collected, held and processed.

1.7 The Charity also has a duty to ensure that personal data is safely and securely deleted, destroyed or otherwise disposed of.

1.8 The Administrator is responsible for implementing and monitoring compliance with this policy.

1.9 A review of this policy will be undertaken every two years.

2. Data Disposal

2.1 Upon the expiry of the retention periods set out below, or when an individual data subject exercises their right to have their personal data erased, personal data shall be deleted, destroyed or otherwise disposed of as follows:

2.1.1 Personal data stored electronically (including any backups) shall be deleted securely using the permanent delete feature on the office laptop.

2.1.2 Sensitive personal data ('special category personal data') stored electronically (including any

and all backups) shall be deleted securely using the permanent delete feature on the office laptop.

2.1.3 Personal data stored in hardcopy form shall be shredded and collected by a secure shredding company.

2.1.4 Sensitive personal data ('special category personal data') in hardcopy form shall be form shall be shredded and collected by a secure shredding company.

2.2 All information must be reviewed before destruction to determine whether there are any special factors that mean destruction should be delayed such as potential litigation, complaints or grievances, or if there is a legal obligation for us to retain some or all the data.

3. Data Retention

3.1 Different types of personal data, used for different purposes, will necessarily be retained for different periods (and their retention periodically reviewed).

3.2 When establishing and reviewing retention periods, the following shall be taken into account:

3.2.1 The objectives and requirements of the Charity;

3.2.2 The types of personal data in question;

3.2.3 The purposes for which the data in question is collected, held and processed;

3.2.4 The Charity's lawful basis for collecting, holding and processing the data;

3.2.5 The category or categories of data subject to whom the data relates.

3.3 If a precise retention period cannot be fixed for a particular type of data, criteria shall be established by which the retention of the data will be determined, thereby ensuring that the data in question and the retention of that data, can be regularly reviewed against those criteria.

3.4 Where an employee, consultant or volunteer maintains any types of records that are not listed below, and it is not clear from the existing record types what retention period should apply, please contact the Administrator for guidance.

3.5 Notwithstanding the defined retention periods, certain personal data may be deleted or otherwise disposed of prior to the expiry of its defined retention period where a decision is made within the Charity to do so (whether in response to a request by an individual data subject or otherwise).

3.6 In Scotland, the Prescription and Limitation (Scotland) Act 1973 sets out the time limits (in most circumstances) for individuals to bring civil actions against the Charity. In England, the equivalent legislation is found in The Limitations Act 1980. Where the Charity believes that it may require evidence in defence or pursuit of a claim, it may retain specific evidence for as long as is required to defend or pursue the claim.

4. Consequences of failing to comply

4.1 The Charity takes compliance with this policy very seriously. Failure to comply with the policy:

4.1.1 puts at risk the individuals whose personal information is being processed; and

4.1.2 carries the risk of significant civil and criminal sanctions for the individual and the Charity; and

4.1.3 may, in some circumstances, amount to a criminal offence by the individual.

4.2 Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action under our procedures, and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract, or in the case of volunteers their volunteer agreement, terminated with immediate effect.

4.3 If you have any questions or concerns about anything in this policy, do not hesitate to contact the Administrator.

I have read and understood this policy and agree to abide by its terms.

Signed:

Date:

Retention Schedules

Data Retention Schedule 1 - Employee Data

This Schedule sets out the Charity's retention periods for employment records and personal data. However, there may be circumstances where the Charity may require to retain some records and/or personal data as evidence in the pursuit or defence of a claim. In such circumstances, the Prescription and Limitation (Scotland) Act 1973 (or The Limitations Act 1980) inform the retention period of all relevant data.

Job Applicant Records

| Record/personal data | Retention period | Storage format/ Location | Reference/ Justification |
|--|---|---|--|
| Rejected job applicant records, including: <ul style="list-style-type: none"> • contact details • application letters or forms • CVs • references • certificates of good conduct • interview notes • assessment and psychological test results | <p>Six months after applicant is notified of rejection.</p> <p>Application forms should give applicants the opportunity to object to their details being retained</p> | <p>Paper - Personnel filing cabinet</p> <p>Electronic - Admin e-mail account</p> <p>Electronic - Shortlisting panel e-mail accounts</p> | <p>ICO Employment Practices Code para 1.7</p> <p>Equality Act 2010, s123</p> |

Personnel/HR Records

| Record/personal data | Retention period | Storage format/ Location | Reference/ Justification |
|---|---|--|--|
| Application records of successful candidates, including: <ul style="list-style-type: none"> • application letters or forms • copies of academic and other training received • references • correspondence concerning employment • CVs • interview notes and evaluation forms • assessment and psychological test papers and results | <p>For the duration of their employment and for six months after their employment has ended</p> <p>After six months, minimum information will be retained i.e. name, contact details, job title(s) and dates of employment</p> | <p>Locked Cabinet</p> <p>Electronic Filing Breathe HR</p> | <p>ICO Employment Practices Code para 1.7</p> <p>Equality Act 2010, s123</p> |
| Criminal records information: <ul style="list-style-type: none"> • criminal records requirement assessments for a particular post • criminal records information forms • the Disclosure and Barring Service (DBS) or Disclosure Scotland check forms • DBS or Disclosure Scotland certificates | <p>Criminal records requirement assessments for a particular post-12 months after the assessment was last used</p> <p>All other information in this category-as soon as practicable after the check has been completed and the outcome recorded</p> | <p>We don't hold any of these records currently - 2018</p> | <p>DBS guidance for employers: Duration of criminal record check validity</p> <p>ICO Employment Practices Code Nov 2011, part 1.7.4</p> <p>Scottish Government Code of Practice on</p> |

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| | <p>(whether satisfactory or not) unless, in exceptional circumstances, [insert job title] assesses that it is clearly relevant to the ongoing employment relationship [e.g. to allow for consideration and resolution of any disputes or complaints] in which case, six months</p> <p>If the Administrator considers it necessary to keep the information for longer than six months, the DBS or Disclosure Scotland should be consulted</p> <p>Following destruction, the Charity can retain the date of issue (of any certificate), the individual's name, the disclosure type, the purpose for which it was requested, the unique reference number of the disclosure, and reasons for retention</p> | | secure handling, use, storage, retention and destruction of Disclosure Information |
| <p>Employment contracts, including:</p> <ul style="list-style-type: none"> • personnel and training records • written particulars of employment • changes to terms and conditions | For the duration of their employment and for six months after their employment has ended. | Locked Cabinet Electronic File Breathe HR | Employee development Legal Obligation |
| Copies of identification documents (e.g. passports) | Not less than two years from date of termination of employment/trustee tenure | Locked Cabinet Electronic File Breathe HR | Immigration (Restrictions on Employment) Order SI 2007/3290, Art 6(1)(b) |
| Identification documents of foreign nationals (including right to work) | Not less than two years from date of termination of employment | Locked Cabinet Electronic File Breathe HR | Immigration (Restrictions on Employment) Order SI 2007/3290, art 6(1)(b) |
| Records concerning a temporary worker | For the duration of their employment and for six months after their employment has ended. | Locked Cabinet Electronic File Breathe HR | |
| <p>Employee performance and conduct records, including:</p> <ul style="list-style-type: none"> • probationary period reviews • review meeting and assessment interviews • appraisals and evaluations • promotions and demotions • disciplinary warnings | For the duration of their employment and for six months after their employment has ended. | Locked Cabinet Electronic File Breathe HR | Disciplinary Policy ACAS Codes of Practice |
| Redundancy records | For the duration of their employment and for six months after their employment has ended OR [insert a longer period if there is a clearly | Locked Cabinet Electronic Files Breathe HR | 7 years |

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| | communicated policy to keep former employees' personnel files for longer or there is a potential or ongoing action involving the employee/former employee] | | |
| Annual leave records | For the duration of their employment and for six months after their employment has ended. | Electronic File Breathe HR | 7 years |
| Parental leave records | For the duration of their employment and for six months after their employment has ended. | Electronic File Breathe HR | 7 years |
| Sickness records | For the duration of their employment and for six months after their employment has ended' | Electronic File Breathe HR | 7 years |
| Records of return to work meetings following sickness, maternity etc. | For the duration of their employment and for six months after their employment has ended. | Electronic File Breathe HR | 7 years |

Payroll and Salary Records

| Record/personal data | Retention period | Storage format/ Location | Reference/ Justification |
|--|---|--|--|
| Records for the purposes of tax returns including wage or salary records, records of overtime, bonuses and expenses | Six years | Locked Cabinet Electronic File – password protected | Taxes Management Act, 1970 s 12B Finance Act 1998, Schedule 18, para 21 |
| Pay As You Earn (PAYE) records, including: <ul style="list-style-type: none"> • wage sheets • deductions working sheets • calculations of the PAYE income of employees and relevant payment | Three years | Locked Cabinet Electronic File – password protected | Income Tax (Pay As You Earn) Regulations 2003, SI 2003/2682, Reg 97 |
| Income tax and NI returns, income tax records and correspondence with HMRC | Three years after the end of the financial year to which they relate | Locked Cabinet Electronic File - password protected | Income Tax (Employments) Regulations 1993, SI 1993/744, Reg 55 |
| Records demonstrating compliance with national minimum wage requirements | Three years beginning with the day upon which the pay reference period immediately following that to which they relate ends | Locked Cabinet Electronic File | National Minimum Wage Regulations 2015, SI 2015/621, Reg 59 |
| Details of benefits in kind, income tax records (P45, P60, P58, P48 etc), annual return of taxable pay and tax paid | Four years | Locked Cabinet Electronic File – password protected | Taxes Management Act 1970 |
| Employee income tax and national insurance returns and associated HMRC correspondence | Three years from end of tax year to which they relate | Locked Cabinet Electronic File – password protected | Income Tax (Pay as You Earn) Regulations 2003, SI 2003/2682, Reg 97 |
| Statutory sick pay (SSP) records | Three years after the end of the tax year to which they relate | Locked Cabinet – password protected | The requirement to maintain SSP records for three years after the end of the tax year to which |

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| | | | they relate was revoked in 2014, but an employer may still be required by HMRC to produce such records as are in its possession or power which contain, or may contain, information relevant to satisfy HMRC that statutory sick pay has been and is being paid. The Statutory Sick Pay (General) Regulations 1982, SI 1982/894, Reg 13(A) |
| Wage or salary records (including overtime, bonuses and expenses) | Six years | Locked Cabinet Electronic File – password protected | Taxes Management Act 1970, s 43 |
| Records relating to hours worked and payments made to workers | Three years | Locked Cabinet Electronic File – password protected | National Wage Act 1998, s 9 The National Wage Regulations 1999, Reg 38 |
| Statutory maternity, paternity and shared parental pay records, calculations, certificates or other evidence | Three years after the end of the tax year in which the period of statutory pay ends | Electronic File – password protected | Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, Reg 26 |

Health and Safety Records

| Record/personal data | Retention period | Storage format/ Location | Reference/ Justification |
|--|------------------------------------|--|--|
| Records of reportable injuries, diseases or dangerous occurrences: <ul style="list-style-type: none"> • reportable incidents • reportable diagnoses • injury arising out of accident at work (including The St Andrews Preservation Trust Ltd's accident book) | Three years from date of the entry | Electronic File – password protected Locked cabinet | The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013), SI 2013/1471, Reg 12 |

Data Retention Schedule 2 - Client/Customer/Service User Data

This Schedule sets out the Charity's retention periods for personal data relating to services user/clients/customers. However, there may be circumstances where the Charity may require to retain some records and/or personal data as evidence in the pursuit or defence of a claim. In such circumstances, the Prescription and Limitation (Scotland) Act 1973 (or The Limitations Act 1980) will inform the retention period of all relevant data.

| Record/personal data | Retention period | Storage format/ Location | Reference/ Justification |
|--|---|--|--------------------------------------|
| Trustee Personal Information | 12 months after there tenure has ended. | Locked cabinet/password protected computer. | Consent /legitimate interest |
| Bankers order | 12 months | Secure cabinet | Internal policy/procedure |
| Members Data Spreadsheet | 12 months after a membership has ended | File on password protected computer | Consent/legitimate interest |
| Trustee Information Sheet | Deleted as soon as a new one is available | Paper copy, file on computer. Accessed by Trustees and staff. | Consent/legitimate interest |
| Committee Membership Information | Deleted as soon as new one is available | Paper copy, file on computer, Trustees, staff and volunteers | Consent/legitimate interest |
| Surveys | 3 years after the survey was conducted. | Locked cabinet/password protect computer file | Consent/legitimate interest |
| Boase Wood Appeal forms | 7 years | Locked cabinet/password protected file | Consent/Legal Obligation |
| Tenant information and all related documents | 12 months after the tenant vacates the property | Locked cabinet/password protected on computer | Legal Obligation |
| Planning Enquiries | 7 years | Locked Cabinet/ password protected file | Consent |
| Images | Perpetuity | Password protected on computer | Historical interest/consent |
| Minutes of Board Meetings | Perpetuity | Password protected in computer and in public folders in office | Historical interest/legal obligation |
| Details of bequests and legacies | Perpetuity | Password protected/locked cabinet | Historical interest/legal obligation |
| Invoices | 7 years | Archived files and password protected computer | Legal obligation for HMRC and OSCR |
| Guest Lists for Events | After next same event is passed | Password protected file | Internal procedure |
| Membership Application Forms | Immediately | Password protected file | Internal procedure |
| Mailchimp | Until recipient subscribes | Password protected | Internal procedure |
| Volunteer Database (Electronic Copy) | Data is removed when volunteers ceases to volunteer with the Trust. | Password protect on computer | Internal Procedure |
| Emergency Trustee List | Updated when a new one is available | Stored in bureau | Internal procedure |
| Volunteer Emergency Contact Form | Data is kept until volunteer ceases volunteering with the Trust. | Paper copy in curators office. Curator Access. | Internal Procedure |

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| Volunteer Agreement | Data is removed once volunteer has ceased volunteering with the Trust. | Paper Copy in Curators Office. Curator Access. | Legal Obligation |
| Adlib Database, Donors Details (Electronic Copy) | Perpetuity | Password protected on Computer | Legal Obligation as an accredited museum. |
| Accession Registers, Donors Details (Hard Copy) | Perpetuity | Cabinet and locked room. | Legal Obligation as an accredited museum. |
| Security Copy Accession Registers, Donors Details (Hard Copy) | Perpetuity | Locked room with limited access | Legal Obligation as an accredited museum. |
| Security Copy Accession Registers, Donors Details (Electronic Copy) | Perpetuity | Password protected on Computer | Legal Obligation as an accredited museum. |
| Emergency Manual, Trustee/Committee member details (Hard Copy) | Old data is deleted when new information is available | Accessed through Curators | Legal obligation in case of an emergency. |
| Emergency Manual, Trustee/Committee member details (Electronic Copy) | Old data is deleted when new information is available | Password protected login | Legal Obligation |
| Workforce Plan (Hard Copy) | Old data is deleted when new information is available | Held in Curators office | Legal Obligation |
| Workforce Plan (Electronic Copy) | Old data is deleted when new information is available | Password protected on computer | Legal Obligation |
| Surveys | Perpetuity | Accessed through curators office | Ethical responsibility as an accredited museum/ |
| Visitor Comment Books | Perpetuity | Designed for public access | Ethical responsibility as an accredited museum/ |
| Museum Loan Forms | Perpetuity | Curator Access | Legal Obligation as an accredited museum |
| Museum Entry Forms | Perpetuity | Curator Access | Legal Obligation as an accredited museum |
| Letters (Electronic Copy) | Perpetuity | Password access on computer | Legal Obligation as an accredited museum |
| Letters (Hard Copy) | Perpetuity | Curator Access | Legal Obligation as an accredited museum |