

East Sussex Community Voice

Record Keeping and Retention Policy

Version	Date of next review by ESCV Board	Date of adoption by ESCV Board
1	n/a	30 th March 2021
2	March 2023	
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Purpose

- 1.1 This policy and procedure establishes an effective, accountable and transparent framework for ensuring compliance with the requirements for East Sussex Community Voice Community Interest Company (CIC) by the General Data Protection Regulations (GDPR).

Scope

- 1.2 This policy and procedure applies across all entities or subsidiaries owned, controlled, or operated by East Sussex Community Voice CIC and to all employees, including part-time, temporary, or contract employees, that handle personal information, identifiable to individuals.

Policy Statement

- 1.3 Accurate and proportionate data records are kept by East Sussex Community Voice CIC in order to:
- To comply with all employment, charity and company legal requirements
 - To comply with quality assurance systems
 - To provide a high-quality service to clients and the public
- 1.4 All records are created, stored and destroyed in accordance with the principles of the General Data Protection Regulation (2018).
- 1.5 It is East Sussex Community Voice CIC's responsibility to ensure that their activities, whether solely or as part of another organisation are compliant with the General Data Protection Regulation (2018).
- 1.6 Records are retained for the period specified in the procedure below, and with the exception of items that must be stored permanently, are then safely destroyed.

- 1.7 This policy informs staff, volunteers and contract employees of their responsibilities in relation to data storage and deletion within the context of the General Data Protection Regulations and best practice mechanisms for the retention and disposal of personal data and company information.

Procedure

- 1.8 All paper-based records are held securely in a locked filing cabinet. These include: HR files, financial information including contracts, signed consent forms and Record of Concerns Forms (ROCA). Where possible such records should be scanned and saved electronically in a suitably secure location, with the paper version being securely destroyed.
- 1.9 Electronic files are kept securely, are password protected and regularly backed up. These include the Customer Relationship Management (CRM) database, Feedback Centre/Website Content Management System (CMS), payroll information, financial records, all HR records and retention records. Access to electronic files is restricted via password protected login.
 - 1.9.1 Members of the public who choose to engage with East Sussex Community Voice CIC are asked for consent for their details (including comments) to be stored on a secure database and informed that personal information will be kept confidential and will not be shared unless express consent has been given.

When asking for consent to pass on personal details East Sussex Community Voice CIC staff, volunteers and representatives will always confirm how the information will be used and passed on.

- 1.10 East Sussex Community Voice CIC will keep a record of DBS checks undertaken and the completed form on the relevant staff, board or volunteer file.
- 1.11 East Sussex Community Voice CIC complies with the requirements of company law and records are maintained and retained in accordance with the retention summary below. It also complies with the Statement of Recommended Practice (SORP) in relation to its financial record keeping and reporting; and all financial records are retained in accordance with the retention summary in Section 9.
- 1.12 Insurance policies and employer's liability insurance certificates and records relating to the ownership or leasehold of premises are securely stored and retained in line with the retention summary below.
- 1.13 Confidential hard copy records that are waiting to be destroyed should be kept securely and shredded or disposed of using a reputable company.
- 1.14 Electronic records should be destroyed in line with the retention schedule below by a reputable company and a certificate of destruction provided.

Responsibilities

Compliance, monitoring and review

- 1.15 The overall responsibility for ensuring compliance with the requirements of the related legislation in relation to performing subject access rights at East Sussex Community Voice CIC rests with the Data Protection Officer (ESCC DPO).
- 1.16 All staff, volunteers or commissioned providers that deal with personal data are responsible for processing this data in full compliance with the relevant East Sussex Community Voice CIC policies and procedures.

Record management

- 1.17 Staff must maintain all records relevant to administering this policy and procedure in electronic form in a recognised East Sussex Community Voice CIC record keeping system.
- 1.18 All records relevant to administering this policy and procedure will be maintained for a period of 5 years.

Terms and Definitions

General Data Protection Regulation (GDPR): the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.

Data Controller: the entity that determines the purposes, conditions and means of the processing of personal data

Data Processor: the entity that processes data on behalf of the Data Controller

Data Protection Authority: national authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union

Data Protection Officer (DPO): an expert on data privacy who works independently to ensure that an entity is adhering to the policies and procedures set forth in the GDPR

Data Subject: a natural person whose personal data is processed by a controller or processor

Personal Data: any information related to a natural person or 'Data Subject', that can be used to directly or indirectly identify the person

Privacy Impact Assessment: a tool used to identify and reduce the privacy risks of entities by analysing the personal data that are processed and the policies in place to protect the data

Processing: any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.

Profiling: any automated processing of personal data intended to evaluate, analyse, or predict data subject behaviour

Regulation: a binding legislative act that must be applied in its entirety across the Union

Subject Access Right: also known as the Right to Access, it entitles the data subject to have access to and information about the personal data that a controller has concerning them.

Retention Schedule for East Sussex Community Voice CIC

Staff, Board and Volunteer Records	
Application form	Duration of employment, destroy when employment ends
References received	Duration of employment, destroy when employment ends
Sickness and maternity records	Six years from end of employment
Annual leave records	Six years from end of employment
Unpaid leave/special leave records	Six years from end of employment
Records relating to an injury or accident at work	12 years
References given/information to enable a reference to be provided	Six years from end of employment
Recruitment and selection material (unsuccessful candidates)	Two years after recruitment is finalised
Disciplinary records	Six years after employment has ended
Director's records	Six years after employment has ended
Staff employment and Board/Volunteer records	Six years after the end of employment but need to only contain sufficient information in order to provide a reference (e.g. training and disciplinary records).
Statutory maternity pay records, calculations and certificates	Retain while employed and for seven years after employment has ended
Redundancy details, calculation of payments and refunds	Seven years from date of redundancy
<i>Note: if an allegation has been made about the member of staff, volunteer or trustee the staff record should be retained until they reach the normal retirement age or for ten years, if that is longer. E.g. around Safeguarding.</i>	
Record of comments and other evidence, e.g. observations, interviews, enter and view notes.	
Comments to be recorded on internal databases/logs.	
Retention is to be in line with organisational policy.	
Any paper-based comments to be recorded on the database, but retained for one year (This is in case there is a query regarding an entry on the database).	
DBS checks	
Copy taken and retained for six years from end of employment.	
Record of concern forms (ROCA)	
All ROCAs and related information should be kept for ten years. If the record relates to children and young people the record must be kept till they are 21 years old before destroying.	

Financial records	
Financial records	Financial records
Six years (public funded companies)	Six years (public funded companies)
Income tax and NI returns, income tax records and correspondence with HMRC	Income tax and NI returns, income tax records and correspondence with HMRC
Not less than three years after the end of the financial year to which they relate	Not less than three years after the end of the financial year to which they relate
Payroll records (also overtime, bonuses, expenses)	Payroll records (also overtime, bonuses, expenses)
Corporate	
Employers liability certificate	40 years
Insurance policies	Permanently
Certificate of incorporation	Permanently
Minutes of Board of Trustees	Permanently
Memorandum of association	Original to be kept permanently
Articles of association	Original to be kept permanently
Variations to the governing documents	Original to be kept permanently
Statutory registers	Permanently
Membership records	20 years from commencement of membership register
Rental or hire purchase agreements	Six years after expiry
Others	
Deeds of title	Permanently
Leases	12 years after lease has expired
Accident Books	Three years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21).
Health and safety policy documents	Retain until superseded
Assessment of risks under health and safety legislation	Retain until superseded