



Data Retention Policy

Introduction

This policy sets out how long Trust Education will normally retain employment, recruitment and business-related records and how those records will be securely destroyed once they are no longer required. It supports our obligations under Data Protection Laws and should be read in conjunction with our Data Protection Policy and Data Protection Procedure.

Principles

As a company, Trust Education will:

- Keep personal data only for as long as it is needed for the purposes for which it was collected or to meet legal, regulatory or contractual requirements.
- Take into account limitation periods for potential legal claims and relevant regulatory guidance.
- Review records at the end of the applicable retention period before destruction, to check whether we need to keep them for any ongoing investigations, litigation, safeguarding concerns, complaints or audits.
- Dispose of records securely so that personal data cannot be reconstructed or retrieved.

Responsibility

Overall responsibility for this policy rests with the Board. Day-to-day implementation and monitoring is delegated to Richard Kaye & Darren Artley (Directors). Line managers are responsible for ensuring records in their area are retained and destroyed in line with this policy.

Our process

- Retention periods are defined in this policy and supporting schedules and are based on REC guidance, statutory requirements and our legitimate business needs.
- Where a document type is not listed, staff should consult Richard Kaye or Darren Artley to agree an appropriate retention period before destruction.
- Any proposed deviation from the stated periods must be authorised in advance by Richard Kaye or Darren Artley.

Internal employees and applicants for internal roles

Unless otherwise stated, the following periods run from the date employment ends or the recruitment process concludes:

- Rejected job applicants – application forms, CVs, interview notes and assessment results are normally kept for six months after the applicant is informed of the outcome, to demonstrate a fair, non-discriminatory recruitment process and to respond to any challenges.
- Successful applicants and employment records – application materials, references, checks, training records, appraisals and general HR correspondence are normally retained for up to six years after employment ends. Where records form part of a contract executed as a deed, certain documents may be kept for up to 13 years in line with the Limitation Act.
- Employment contracts and changes to terms – normally kept for up to six years after employment ends (or 13 years for deeds).
- Performance and conduct records – including reviews, appraisals, disciplinary and capability documentation, normally kept for up to seven years after employment ends, reflecting potential time limits for claims.
- Other routine employment records – such as absence and holiday records, parental leave documentation and return-to-work forms, will usually be retained for up to six years after employment ends, unless needed longer for statutory or safeguarding reasons.
- Directors' service contracts – normally kept for at least six years after the director ceases to hold office (or 13 years for deeds), and at least one year from termination or expiry as required by company law.
- Right-to-work and identification documents – copies will usually be kept for two years after employment ends, in accordance with immigration legislation.
- Working Time records – records of working time, rest periods and opt-out notices are normally kept for two years from the date the record was made.
- Criminal records information (DBS) – where obtained, this is usually retained only for as long as necessary to make the recruitment decision and then securely destroyed. In most cases, this will not exceed six months, unless there is a specific safeguarding or regulatory reason to keep information for longer.

Work-seekers and temporary workers

For candidates and temporary workers using Trust Education's work-finding services, we will generally retain records as follows:

- Core work-seeker records – registration details, terms of engagement, qualifications, vetting results, records of assignments and introductions to hirers will usually be kept for at least one year from the date we last provided work-finding services, in line with agency legislation. Where there is a legitimate business need – for example, to handle potential claims, safeguarding matters or to evidence compliance – we may retain these records for up to six years from the date of the last assignment or introduction.
- Right-to-work and ID checks – normally kept for two years from the date work-finding services cease for that individual.
- Working Time records for temporary workers – usually kept for two years from the date each record was created.
- Criminal records information (DBS) – handled in accordance with safer-recruitment and statutory guidance. Information will normally be retained for no longer than one year after we last provided work-finding services, unless there are safeguarding or regulatory reasons to keep it for longer.

Payroll, tax and financial records

We retain payroll and financial information for the periods required by HMRC and other regulators, including:

- Payroll and PAYE records – kept for at least three years after the end of the tax year to which they relate.
- HMRC intermediary reporting information – kept for at least three years after the end of the relevant tax year.
- VAT records – retained for six years, or longer where specific VAT schemes require.
- Company accounts – normally kept for six years from the end of the financial year, subject to any legal or audit requirements to keep certain records longer.
- Construction Industry Scheme (CIS) records (if applicable) – kept for at least three years after the end of the tax year they relate to.
- National Minimum Wage records – retained for at least six years from the end of the pay reference period following the one to which they relate.
- Statutory sick pay records – not normally kept for longer than three years after the end of the relevant tax year, unless needed to evidence compliance.
- Statutory maternity, paternity, adoption and shared parental pay records – held for three years after the end of the tax year in which the payment period ends.
- Pension auto-enrolment records – normally retained for a minimum of six years, with some records kept for the life of the pension arrangement where required by pensions legislation.

Marketing and business development records

Contact details and marketing preferences for clients and candidates are retained for as long as we have an ongoing relationship and a lawful basis to send marketing communications. Where an individual opts out of marketing, we will retain minimal data on a suppression list to ensure that their preference is respected.

Destruction and disposal

At the end of the relevant retention period, records containing personal data will be destroyed in a manner appropriate to their sensitivity:

- Paper records will be cross-cut shredded or placed in secure confidential waste containers for destruction by an approved contractor.
- Electronic records will be securely deleted so that they cannot be readily reconstructed, for example using secure erase functions and deletion from backups where feasible.
- Hardware containing personal data, such as PCs, laptops and portable media, will be wiped using approved methods or physically destroyed before disposal or reuse.

A log of bulk destruction activities may be maintained where appropriate, particularly for high-risk or sensitive categories of data.

Monitoring and review

This policy and the associated retention schedules will be reviewed at least annually, and earlier if there are changes in legislation, REC guidance or the nature of Trust Education's activities. Any updates will be approved by the Board and communicated to relevant staff.