



## **GDPR AND DATA PROTECTION POLICY**

### **1. Introduction & Purpose**

This policy is the GDPR (General Data Protection Regulation) and Data Protection Policy for The Den, which will be followed by all members of the Organisation and promoted by Directors.

### **2 Policy Principles & Values**

- The Den will establish and adhere to standard retention times for categories of information held on the records of job applicants, existing and former employees, workers and contractors
- The Den will base the retention times on business need taking into account any relevant professional guidelines and a risk analysis approach
- The Den will assess who in the organisation is responsible for the retention of employment and student records
- The Den will ensure information is not retained beyond the standard retention times unless there is a sound business reason for doing so
- If possible, a computerised system will be established which flags information retained for more than a certain period of time as due for review or deletion
- If the Den is justified in holding any information on an employee's criminal conviction, we will ensure that the information is deleted once the conviction is spent under the Rehabilitation of Offenders Act 1974
- The Den will ensure that records which are to be disposed of are securely and effectively destroyed
- The Den will ensure that records are held securely on a remote server and not downloaded onto individual computers

### **3. Procedures**

#### ***A. Types of Contractee/Employee data that we hold***

##### 1. Personnel and training records

These may include:

- Qualifications/references
- Eligibility to work documentation, e.g. photocopies of passport, visas etc.
- Annual assessment reports
- Job history
- Resignation, termination and/or retirement letters
- Disciplinary matters
- Travel and subsistence
- Grievance procedures
- Recruitment records

1. The Den will ensure that no recruitment record is held beyond the statutory period in which a claim arising from the recruitment process may be brought unless there is a clear business reason for exceeding this period

2. The Den will carefully consider what information contained on an application form is to be transferred to the employee's employment record and we will not retain information that has no bearing on the ongoing employment relationship

3. The Den may keep an unsuccessful applicant's data on file in case there are future employment opportunities for which they may be suited. We will ask for consent before we keep data for this purpose and such consent, if given, may be withdrawn at any time

##### 2. Format and location

All records will be held in electronic format. Please keep us informed if your personal information, such as your home address, changes during your working relationship with us. If you want to review your information that may be subject to change, please email [admin@thedenprovision.co.uk](mailto:admin@thedenprovision.co.uk)

##### 3. Working Time Regulations 1998

These may include:

- Contract hours
- Timesheets / invoices
- Health assessment records

## Payroll and wage records

These may include

- Details on overtime
- Rate of pay
- Expenses
- Court orders
- Studentloan plan
- Bank details
- Motor and travel insurances
- Pension and auto-enrolment details

## Maternity records – if employed

These may include

- Maternity payments
- Dates of maternity leave
- Period without maternity leave
- Maternity certificates showing the expected week of confinement

### ***B. Retention Periods***

<b>Type of employment record</b>	<b>Statutory or Code of Practice reference</b>	<b>Format and location</b>	<b>Retention period</b>
Job applications and interview records of unsuccessful candidates	The Information Commissioner: Employment Practices Code	Electronic	6 months after notifying unsuccessful candidates
Personnel and training records	N/A	Electronic	While employment continues and up to six years after

			employment ceases
Written particulars of employment, contracts of employment, and changes to terms and conditions	N/A	Electronic	While employment continues and up to six years after employment ceases
Working time opt-out forms	Working Time Regulations 1998 (WTR 1998)	Electronic	Two years from the date on which they were entered into
Records to show compliance with the WTR 1998	WTR 1998	Electronic	Two years after the relevant period
Annual leave records	N/A	Electronic	A minimum of six years. Longer if leave can be carried over from year to year
Payroll and wage records	Finance Act 1998	Electronic	Six years from the financial year end in which payments were made

### ***C. Types of student data that we hold***

Personal data. This may include:

- Name
- Address
- Emergency contact details
- Previous school(s) attended
- Date of birth
- Prior educational attainment
- EHCP information
- Reports from other professionals
- School year
- Photos of students completing activities
- Notes of any safeguarding concerns
- Medical information including diagnoses and allergies

### **D. Types of student's parents/carers data that we hold**

Personal data. This may include:

- Name
- Address
- Phone number(s)
- Email address