

DPSS Advisory Group

GDPR Employers Data Retention Policy

THE EMPLOYER [*insert name*]

THE EMPLOYEE [*insert name*]

Introduction

This **Data Retention Policy** outlines how long various categories of personal data are retained by the employer.

The employer processes various types of personal information, also called personal data. Personal data is any information, whether held in hard copy or electronic form, relating to an individual who can be identified, directly or indirectly, from that data. Processing is anything that is done with that information – it includes the collecting, editing, storing/holding/retaining, disclosing/sharing, viewing, recording, listening, erasing/deleting etc. of personal information.

Examples of the types of personal information processed by the employer are set out in the Schedule to this policy and include, but are not limited to, personal information relating to employees; financial records, including in relation to payroll; employment

Personal information may be retained by the employer in various ways – these include, but are not limited to, minutes of employment meetings; employment contracts; letters and email correspondence

In certain circumstances it will be necessary and appropriate to retain personal information, either in hard copy or electronic form, depending on the purposes for holding the information. However, it is not lawful or practical for the employer to retain all records indefinitely. Records should only be retained in accordance with data protection principles, which require that personal information is limited to what is relevant and necessary, is accurate, and is kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which it was obtained. Ensuring that personal information is erased or anonymised when no longer required will reduce the risk of it becoming irrelevant, excessive, inaccurate or out of date, and the risk of it being processed in error. It is therefore important that the employer has in place systems for the timely and secure disposal of documents that are no longer required or that they are no longer entitled to retain.

Retention of records

Data protection law does not set specific time limits for the retention of different types of personal information. It is up to data controllers to set their own retention periods, which will depend on how long the information is required in relation to the specified purposes for which it is held.

The employer should bear in mind the general rule that they must always be able to justify why they keep personal information in a form that permits the identification of individuals.

In all cases where the retention period recommended in the Data Retention Schedule for specific types or items of personal information has expired, a review should be carried out prior to disposal, and consideration should be given as to the most appropriate method of secure erasure or disposal.

Disposal/erasure of records

Documents containing personal information should be disposed of confidentially and securely either by shredding or by using confidential waste bins or sacks. Such documents may include, but are not limited to, those containing names and contact details, health-related information and financial information.

Electronic communications including email and all information stored digitally should also be reviewed regularly and if no longer required should be closed and/or permanently deleted. It is understood that the word “deletion” can mean different things in relation to electronic data, and that it is not always possible to erase all traces of it. The key issue is to put the data beyond use. Therefore, it will normally be sufficient simply to delete the information, with no intention of it ever being used or accessed again by anyone. In addition to deleting personal information from a live system, it should also be deleted from any back-up of the information on that system.

Retention of records for archiving, research or statistical purposes

Personal information can be kept indefinitely if held only for archiving purposes in the public interest; scientific or historical research purposes; or statistical purposes. There must be appropriate safeguards in place to protect individuals - for example, in some cases pseudonymisation may be appropriate. If retaining personal information for archiving purposes, it must not be used for any other purposes.

This Data Retention Policy was adopted on [insert date]. The employer will be responsible for the implementation of this Policy.

Data Retention Schedule

Document Type	Description	Trigger Event	Retention Period
Recruitment documents	Job Description, Adverts, Application Form, Shortlisting records, Interview notes, References (Inc Personal Information)	Start date of new appointment	1 years
Employment contracts	Contract of employment, New employee forms, Amendment of contract letters, Consultation documents	Termination of employment	6 years
Recruitment documents (unsuccessful)	Application Form, Interview notes, References (Inc Personal Information)	Notification of	Destroy after use
Payslips and records relating to wages	Payslips	Month Paid	Current year + 6 years
DBS	DBS Record	Termination of contract	6 months
Timesheets	Timesheets, claim forms	Month submitted	6 years
Pension	Pension Information letter, 3 yearly letters, Pension Declaration form Pension Regulator letters	Ongoing	Current year + 6 years
HMRC	HMRC Notifications, Debt (underpayment letters), P45	Ongoing	Current year + 6 years
Performance	Appraisals, disciplinary records	Termination of employment	6 years
Sickness & Leave	MED3, SSP1, Leave records	Date employee returned to work	3 years
Maternity/Paternity	Maternity & Paternity documentations	End of leave	3 years

End of employment	Redundancy documentation, Resignation documents		3 years
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