Ballygarvan NS

Records Retention Schedule

Schools as *data controllers* must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, *<Named school>* has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

The process of determining the Records Retention Schedule was carried out by reviewing current legislation. The principles of making good record retention decisions can be summarised as:

- Avoiding trying to accommodate every conceivable need;
- Retain information if it is likely to be needed in the future and if the consequences of not having it would be substantial;
- Be conservative i.e. avoid inordinate degrees of risk;
- Ensure systematic disposal of records immediately after their retention period expires or archive as determined;
- Base retention periods on the required legislation; and
- Apply common sense.

IMPORTANT: In all cases, schools should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the school/board of management/an officer or employee of the school (which may include a volunteer)), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the school in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statue of Limitations may be different in every case. In all cases where reference is made to "18 years" being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the school must be aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations **may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by schools on a case-by-case basis.** In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the school should be aware that the claim could arise many years after the incident complained of and the courts/ tribunals/ employment fora may not consider the complainant to be "out of time" to make their claim.

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Student Records	Final Disposition	Retention Comments
Registers/Roll books	N/A	Indefinitely. Archive when class leaves + 2 yrs

Records relating to pupils/students	Final Disposition	Retention Comments
Enrolment Forms (for pupils admitted to the school)	Confidential shredding/ deletion	Student reaching 18 years + 7 years. 18 is age of majority + 7 years (6 years in which to take a claim against school, + 1 year for proceedings to be served on the school)
Pupil transfer forms (Applies from one school to another)	As above	As above
In-school standardised test results & SEN assessments	As above	As above
End of term/year reports	As above	As above
Disciplinary notes	As above	As above
School tours/trip records (including permission slips, itinerary reports)	As above	As above

Sensitive Personal Data Students	Final disposition	Retention Comments
Section 29 appeal records (for pupils enrolled in the school)	Confidential shredding/ deletion	Student reaching 18 years + 7 years. 18 is the age of majority (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)
Accident reports	As above	As above
Records of complaints made by parents/ guardians	Confidential shredding or N/A, depending on the nature of the records.	Depends entirely on the nature of the complaint but no longer than is necessary for the purpose of recording. If complaint is of a more mundane nature (e.g. misspelling of child's name, parent not contacted to be informed of parent-teacher meeting etc.), retention as above.
Enrolment forms where child not enrolled/ refused enrolment	Confidential shredding/ deletion	Two years after non-admission, to provide time for review/appeal process
Psychological assessments	N/A	Never destroy
SEN files, reviews, correspondence & IEPs	N/A	Never destroy
Child protection records	N/A	Never destroy

Staff personnel files (whilst in employment)	Final Disposition	Comments
e.g. applications, qualifications, references, recruitment, job specification, contract, Teaching Council registration, staff training records etc.	Confidential shredding. Retain an anonymised sample for archival purposes.	Retain for duration of employment plus 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school)

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Application &/CV	Confidential shredding/ deletion	As above
Qualifications	As above	As above
References	As above	As above
Interview: database of applications (section which relates to employee only)	As above	As above
Selection criteria	As above	As above
Interview board marking scheme & board notes	As above	As above
Interview board panel recommendation	As above	As above
Recruitment medical	As above	As above
Garda Vetting outcome	As above	Retain indefinitely
Job specification/ description	As above	As above
Contract/Conditions of employment	As above	As above
Probation letters/forms	As above	As above
POR app & correspondence (if successful)	As above	As above
Leave of absence applications	As above	As above
Allegations/complaints	As above	As above **Please note** relevant DES Circular re Disciplinary Procedures in relation to period of time for which a warning remains "active" on an employee's record.
Grievance and Disciplinary records	As above	As above **Please note** relevant DES Circular re Disciplinary Procedures in relation to period of time for which a warning remains "active" on an employee's record.
Job share	As above	As above
Career break	As above	As above
Maternity leave	As above	As above
Paternity leave	As above	As above or for 2 years after retirement/ resignation (whichever greater)
Parental leave	As above	Retain for minimum of 8 years or as above
Parent's leave	As above	Retain for minimum of 8 years or as above
Force Majeure leave	As above	Retain for minimum of 8 years or as above
Carers Leave	As above	Retain for minimum of 8 years or as above
Working Time Act (attendance hours, holidays, breaks)	As above	Retain for minimum of 3 years or as above

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Recruitment Process Unsuccessful Candidate Records	Final disposition	Comments
Note: these retention periods apply to unsuccessful candidates only.	Confidential shredding / deletion	18 months from close of competition: 12 months plus 6 months for Workplace Relations Commission to inform school that claim is being taken.
Candidate applications/ CVs called for interview	As above	As above
Database of applications	As above	As above
Selection criteria	As above	As above
Applications of candidates not shortlisted	As above	As above
Unsolicited job applications	As above	As above
Candidates shortlisted but unsuccessful at interview	As above	As above
Successful candidates who do not accept offer	As above	As above
Interview board marking scheme & board notes	As above	As above
Panel recommendation by interview board	As above	As above

Occupational Health Records	Confidential Shredding	Comments
Sickness absence records/certificates	Confidential shredding Or do not destroy	Retain for 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school), unless sickness absence relates to an accident/ injury/ incident sustained in relation to/in connection with individual's school duties, in which case, do not destroy.
Pre-employment medical assessment	As above	As above
Occupational health referral	As above	As above
Correspondence re retirement on ill-health grounds	As above	As above
Medical assess/ referrals	As above	As above
Sick leave records (sick benefit forms)	As above	In the case of audit/refunds as above
Accident/injury reports	As above	Retain for 10 years or as above

Government Returns	Final Disposition	Comments
Any returns which identify individual members of the school community	Confidential shredding/ retained indefinitely	Depends on return. If it relates to pay/pension/benefits of staff, keep indefinitely as per DE guidelines. If it relates to student information, e.g. October Returns, Annual Census etc., "Student Records" guidelines apply.

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Superannuation /Pension /Retirement records	Final Disposition	Comments
Records of previous service (incl. prev. correspondence)	N/A	DE advises that these should be kept indefinitely.
Pension calculation	Confidential shredding/ deletion	Duration of employment + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school) **or** for the life of employee/ former employee plus + 7 years (6 years in which to take a claim against the school, plus 1 year for proceedings to be served on the school whichever longer)
Pension increases	As above	As above
Salary claim forms	As above	As above

Board of Management Records	Final Disposition	Comments
Board agenda and minutes	N/A	Indefinitely. Store securely on school property
Principal's monthly report including staff absences	N/A	Indefinitely. Administrative log not relate to any one employee in particular: the monthly reports are not structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible. Not a "relevant filing system".
School closure	Transfer	On school closure, school to liaise with Patron. decommissioning exercise should take place with respect to archiving and recording data.

Other school based reports/minutes	Final Disposition	Comments
CCTV recordings	Safe/ secure deletion	28 days in the normal course, but longer on a case-by-case basis e.g. where recordings/images are requested by An Garda Síochána as part of an investigation or where the records /images capture issues such as damage/vandalism to school property & where images/ recordings are retained to investigate those issues.

Other school based reports/minutes	Final Disposition	Comments
Payroll and taxation	Confidential shredding/ retained indefinitely	Revenue Commissioners require records be kept for at least 6 years after the end of the tax year. Records must be made available for inspection by authorised Revenue Commissioner officers or of Dept. of Social Protection. **Note:** The DE requires of schools that "pay, taxation and related school personnel service records should be retained **indefinitely** within the school. These records can be kept either on a manual or computer system.
Audited accounts	N/A	Indefinitely
Invoices/ back-up records/ receipts	Confidential shredding/ deletion	Retain for 7 years

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