

# KGB Cleaning South West Ltd

## General Data Protection Regulations 2018

### Retention and Disposal of Employee Data Policy



#### **Introduction**

KGB Cleaning South West Ltd processes and holds personal data from, and about, prospective, current and former employees to comply with tax, labour, health and safety, and other laws, legislation, to administer benefits, to operate the Company's business, and to serve the Company's clients.

**This policy is effective from the 25th May 2018 and will be reviewed on an annual basis.**

#### **Scope**

The data we process may relate to former, present and potential future employees. The Company collects and maintains such data in order to meet the Company's legitimate interests as an employer, to comply with statutory requirements and fulfil individual employment contracts with the Company's employees.

#### **Responsibility**

When the Company requests personal data from any employee it will be in accordance with current legislation and the General Data Protection Regulations 2018. Under the General Data Protection Regulations 2018 personal data processed for any purpose must not be kept for longer than is necessary for that purpose. When deciding the retention period for personal data the Company will take into account our legal and business interests.

**When assessing the documents to be retained or destroyed the following criteria should be taken into account:**

#### **Has the document/data been appraised**

The nature/contents of any documents, data or records being considered for disposal should be ascertained. Where existing documents, data or records are concerned this is achieved by inspection. This task will be undertaken by employees with sufficient operational knowledge to enable them to identify the document, data or record concerned and its function.

#### **Is retention required to fulfil statutory or other regulatory requirements**

There is little specific legislation that stipulates mandatory retention periods for documents, data and records. Employees should seek advice if they believe that there may be legislation which imposes minimum retention periods on any documents, data and records they are handling.

#### **Is retention required to evidence events in the case of disputes**

The Company may become involved in disputes, and if not resolved these can result in legal proceedings. Where a dispute arises, or litigation has been commenced, it is important that there is access to all correspondence, data and other documentation that is relevant to the matter.

#### **Is retention required to meet the operational needs of the Company**

In some cases, retention may be desirable, whether permanent or otherwise. Employees should be aware of the risk of discarding documents or records that might be useful for future reference purposes.

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**Records/documentation where there are statutory retention periods with statutory authorities:**

<b>Record/Document</b>	<b>Statutory Retention Period</b>	<b>Governing Body/Authority</b>
Accounting records	6 years	Section 221 Companies Act 2006
Accident books, accident records/reports	3 years	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), also the Limitation Act 1980
Medical records as specified by COSHH	40 years from the last entry	Control of Substances Hazardous to Health Regulations 1999/2002
Income tax, NI returns, HMRC correspondence	3 years after the end of the financial year	Income Tax (Employments) Regulations 1993 / 1996
Retirement Benefits Schemes	6 years from the end of the scheme year	The Retirement Benefits Schemes (Information Powers) Regulations 1995
Statutory Maternity Pay (calculations, certificates Mat B1's, medical evidence)	3 years after the end of the tax year in which the maternity period ends	The Statutory Maternity Pay (General) Regulations 1986
Wage/salary records (also overtime, bonuses, expenses)	6 years	Taxes Management Act 1970
National Minimum Wage records	3 years after the end of the consequent pay reference period	National Minimum Wage Act 1998
DBS Positive Certificate	6 months	Disclosure & Barring Service General Data Protection Regulations 2018
Working time records	2 years from the date that they were made	The Working Time Regulations 1998

**Extended Retention Period**

These retention periods will apply except where on an analysis of the data held on an individual it is decided that there is a financial or other risk of not being able to refer to the data then the Company would retain the data for an extended period of time. Where possible the Company would inform the individual of this intention and the reason why, records would be kept by the Company of this communication.

**Recruitment Data**

If the Company wanted to keep a CV on file for future opportunities the Company would notify the applicant of why and how long the Company plan to keep it for and let them know that they can object to the information being held. If they object, the data will be deleted at the end of the 1 year period

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**Records/documentation where there are no statutory retention periods, therefore these are recommended retention periods:**

Record/Document	Recommended Retention Period
Application forms, CV's and interview notes	1 year to allow for any discrimination claims
Assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently
Inland Revenue/HMRC approvals	Permanently
Money purchase details	6 years after the transfer or value taken
Parental leave	Until the child is 18 (birth/adoption)
Pension scheme investment policies	12 years from the ending of any benefit payable under the policy
Pensioners records	12 years after benefit ceases
Personnel files, training records, disciplinary records, working time records	6 years after end of employment
Right to Work in the UK	6 years after employment ceases
Employee Positive DBS Individual Risk Assessment	Until the next renewal or when employment ceases
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years after the date of the redundancy
Statutory Sick Pay records, calculations, certificates, self-certificates	6 years after end of employment
Time cards/timesheets	2 years after payroll
Trade Union Agreements	10 years after ceasing to be effective
Works Council minutes	Permanently

#### **Procedure for Retention and Disposal Analysis**

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming.

#### **Procedure for Destruction and Disposal**

##### **Destruction of Paperwork**

All office paperwork for destruction is to be shredded if the content is in any way sensitive or hold identifiable information.

Other paper can be disposed of in the bins provided in offices as long as it contains no sensitive or identifiable information.

##### **Destruction and Disposal of Electronic Media**

The procedure for the destruction of Confidential or Sensitive Waste on electronic media such as tape, disk, cassette/cartridge, hard drives, CD-ROM, DVD and ZIP drive is as follows:

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Once permission for destruction has been agreed with the Compliance Manager, deliver to the Company's Head or Regional Office for destruction. Destruction of back-up copies of such data will also be dealt with in the same manner.

Deletion – the Information Commissioner's Office has advised that if steps are taken to make data virtually impossible to retrieve, then this will be regarded as equivalent to deletion.

Recycling – wherever practicable disposal should include further recycling in-line with the Company's commitment to the environment.

A handwritten signature in black ink, appearing to read 'John Nicholls'.

John Nicholls, Managing Director

25<sup>th</sup> May 2018