



## STAFF PERSONAL INFORMATION POLICY

**Approved by:** Cumbria Education Trust Board

**Date:** 16 September 2015

**Review Date:** To be reviewed annually and updated as required following changes in legislation

**Owner:** Human Resources Manager, Cumbria Education Trust

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### 1. Introduction

- 1.1 This Policy complies with the requirements of the Data Protection Act 1998 and is based on three principles:
- to ensure respect for the privacy of the individual;
  - to enhance the quality of decisions which affect individuals; (by specifying standards for the management of personal information).
  - to facilitate the participation of people who wish to be involved in the making of decisions which affect them.
- 1.2 The policy sets the standards that govern the collection, use, storage, disclosure, or disposal of all personal information, including DBS information, on employees held by the academy. The policy takes account of the [The Information Commissioner's Employment Practices Code](#)
- 1.3 Documents will be held in accordance with the schedule set out in Appendix 1. Under the Freedom of Information Act 2000, Academies are required to maintain a retention schedule listing the record series which the academy creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use. The retention schedule lays down the basis for normal processing under both the Data Protection Act 1998 and the Freedom of Information Act 2000.

### 2. Obtaining Information

- 2.1 Information will be obtained fairly and lawfully and will only be processed with the explicit consent of the employee.
- 2.2 No employee, or other person acting on behalf of the Trust Board or Local Advisor Board (LAB), will knowingly mislead or deceive any person about the purpose for which information is being collected.
- 2.3 Explanations will be available of the purpose for which information is required, either through a note on any form used, or from the person collecting the details.

### 3. Purposes of Information and Length of Time Retained

- 3.1 Personal Information will be held only for clearly specified purposes as indicated in Appendix 1.

- 3.2 The Trust Board or LAB will state the purposes for which it holds personal information, and will register with the Data Protection Commissioner all the purposes for which it processes personal data.

#### **4. Nature of Information**

- 4.1 Every effort will be made to ensure that personal information gathered by the Trust Board or LAB is relevant to one of the specified purposes and is adequate, but not excessive, for it. Irrelevant or excessive data will be erased.
- 4.2 When a need for additional personal information is established, the Trust Board or LAB will ensure that the collection of each item of information can be justified.

#### **5. Disclosure of Information**

- 5.1 Personal information will be used only for the purpose for which it was gathered, unless the consent of the people concerned has been obtained to a new or varied use.
- 5.2 Consent will be sought to enable the academy to comply with routine disclosures i.e. DFE Census.
- 5.3 In other cases the explicit consent of the data subject will be obtained in writing. Confirmation of consent by telephone is acceptable if a written request has been received which implies the consent of the data subject.
- 5.4 Personal information will be disclosed only to those who, in the view of the Trust Board and LAB, have a demonstrable need to know the information.
- 5.5 Access to personal information will be refused if the data user is uncertain whether the person requesting access, including another member of staff, is entitled to it.

#### **6. Standards of Data Collection**

- 6.1 Personal records will be accurate and kept up to date and checked on a regular basis. Where necessary the data subject will be asked to confirm that what has been recorded is accurate.
- 6.2 Information that is obtained from a third party will be marked to indicate its source.
- 6.3 Information that has not been verified will be marked "Unverified; not to be used for decision".
- 6.4 Personal information will be kept for as long as is required for the purpose for which it was originally collected. The period of retention will be determined by statutory requirements.

#### **7. Access to Personal Files**

- 7.1 Staff are entitled to know if the Trust holds information about them.
- 7.2 A person about whom the Trust holds information may, at reasonable intervals and without undue cost or delay, have access to his or her personal records.
- 7.3 Information which would disclose the identity of a third person is exempt from access, unless the consent of the source is available. Nor will information be disclosed that would otherwise infringe upon the privacy of a third party.

- 7.4 The Trust will make all possible information available. However, access to personal information will be restricted where its disclosure could entail harm either to a person on whom the Trust hold information or to their guardianship of the interests of the academy.
- 7.5 The means of access to personal information will normally be by physical access to the file. Requests for access will be met within 40 days of receipt of sufficient information to process the request.
- 7.6 The Trust Board will verify the identity of people requesting access to the academy's records, but will require only the minimum information compatible with protection for the data subject.

## **8. Standards of Security**

- 8.1 The academy will determine and maintain an appropriate level of security for its premises, equipment, network, programs, data and documentation, and will ensure that access to them is restricted to appropriate staff.
- 8.2 Ease of access to premises or information will be related to the sensitivity of the information processed or stored.
- 8.3 Appropriate back-up procedures will be maintained.

## **9. Training**

- 9.1 All new and existing employees who handle personal information will receive training on data protection procedures, which includes information about the standards the Trust expects its employees to observe in the use of personal information.

## **10. Recording Information**

- 10.1 Nothing in this policy is intended to limit the right of members of staff to record all the information needed to achieve stated and agreed objectives. Any relevant facts or observation may and should be recorded.
- 10.2 Employees will make every effort to ensure that the information they record is accurate.
- 10.3 Where possible, the information recorded will be restricted to the factual.
- 10.4 Employees, whose responsibilities require them to record their opinions and impressions, will do so by recording their observations, followed by the conclusions they have drawn.
- 10.5 No employee will be held personally liable for action taken against the academy by a data subject, as a result of information recorded by that employee if the employee has followed relevant academy policy.

## **11. References**

- 11.1 The Trust shall request open references and shall provide open references except where an employee has specifically requested that a closed reference be supplied.
- 11.2 Referees will be advised that the Trust has an open policy on references.
- 11.3 The Trust Board will comply with DfE guidance on references as issued from time to time in particular in relation to safeguarding children and safer recruitment in education.

## Appendix 1

### Retention of Documents on Personnel Files

This schedule lists the principal documents held on an employee's file. The list is not, however, exhaustive and other documents relating to employment may be held. Personnel files will be held for the length of employment + 7 years at which time they will be shredded. Documents relating to child protection or accidents at work may be held indefinitely. In this case the employee will be advised that this is the case. All of the documents held on the employee's file are held for the purpose of managing the employment relationship.

| <b>Document</b>   | <b>Period of retention</b>  |
|---|---|
| Original job application form   | Termination + 7 years   |
| Two original references   | Termination + 7 years   |
| Copy of Contract of employment and any variation letters  | Termination + 7 years   |
| Original contract acceptance  | Termination + 7 years   |
| Confirmation of pre-employment medical check clearance  | Termination + 7 years   |
| Confirmation of DBS clearance and any associated docs   | Indefinitely  |
| Barred list clearance   | Indefinitely  |
| Copies of documents used for identity authentication for DBS and Asylum and Immigration Act purposes                  | Termination + 7 years   |
| Copies of qualifications certificates relevant to employment  | Termination + 7 years   |
| Formal disciplinary warnings – child protection related   | Indefinitely  |
| Formal disciplinary warnings – not child protection related   | In accordance with the Trust policy   |
| Staff induction including NQTs Induction  | Termination + 7 years   |
| UK Border Agency Documentation (Work permit)  | Termination + 7 years   |
| Letter of resignation and acceptance of resignation or other documentation relating to the termination of employment. | Termination + 7 years   |
| Exit interview notes  | Termination + 7 years   |
| Salary assessment forms - teachers  | Current year + 6 years  |
| Time sheets   | Current year + 6 years  |
| Appraisal information   | Current year + 6 years  |
| NQT – Satisfactory completion of skills tests.  | Termination + 7 years   |
| Medical certificates and sickness absence record  | Current year + 6 years  |
| Other special leave of absence including parental leave, maternity leave  | Current year + 6 years  |
| Records relating to accident/injury at work   | Termination + 7 years. In the case of serious accidents a further retention period will need to be applied. |