



RETENTION OF PERSONAL DATA: POLICY AND SCHEDULE

ABOUT THIS POLICY

This Policy sets out Excel Performing Arts (“we”, “our”, “us”, the “Company”)’s position in relation to the retention of Personal Data.

This Policy is intended to support our Data Protection Policy (“the DP Policy”) and it adopts the definitions set out in the DP Policy.

This policy applies to all employees and freelancers of the Company and is non-contractual and does not form part of the terms and conditions of your employment or engagement. The Company may change, alter, amend or replace this policy at any time.

This policy is intended to ensure that the Company processes Personal Data (whether in the form of employment records, student records or other third party data) in accordance with the Personal Data protection principles of the GDPR, in particular that:

- Personal Data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.
- Personal Data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed. When Personal Data is no longer needed for specified purposes, it is deleted or anonymised as provided by these guidelines.
- Personal Data must be accurate and, where necessary, kept up to date. It must be corrected or deleted without delay when inaccurate.
- Personal Data must not be kept in an identifiable form for longer than is necessary for the purposes for which the Data is processed.
- Personal Data must be secured by appropriate technical and organisational measures against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

Samantha Payton, Principal of the Company is responsible for overseeing this policy. Any questions about the operation of the policy and guidelines should be submitted to Samantha Payton.



KEEPING INFORMATION UP TO DATE

The Company needs to ensure that your personal details are up to date and accurate.

We collect various Personal Data relating to you and our students as set out in any Privacy Notice issued to you/students (and parents of students) etc (as described in the DP Policy). In the event that any Personal Data concerning a Data Subject changes the Data Subject should inform Samantha Payton, Director of the Company.

Data Subjects have various individual rights under the GDPR in respect of their Personal Data. These provisions are intended to complement the individual rights which are referred to in the DP Policy.

GENERAL PRINCIPLES ON RETENTION AND ERASURE

The Company's approach to retaining Personal Data is to ensure that it complies with the data protection principles referred to in these guidelines and, in particular, to ensure that:

- Records are regularly reviewed to ensure that they remain adequate, relevant and limited to what is necessary to facilitate you working for the Company.
- Records are kept secure and are protected against unauthorised or unlawful processing and against accidental loss, destruction or damage. Where appropriate the Company will seek to use anonymization to prevent identification of individuals.
- When records are destroyed, whether held as paper records or in electronic format, the Company will ensure that they are safely and permanently erased. Consideration needs to be given to whether the document should be destroyed or subject to a further period of retention or permanent retention as an archive.

RETENTION AND ERASURE - CRITERIA CONSIDERED

When determining the appropriate retention period for personal data relating to employees/students (and parents of students) and other third parties, the Company will have regard (without limitation) to the following:

- The purpose for which we hold the Personal Data;
- The amount, nature and sensitivity of the Personal Data;
- The potential risk of harm from unauthorised use or disclosure of such Personal Data;



- What alternative means we have for achieving our purposes;
- The legal limitation periods for bringing claims and whether we need the Personal Data to bring or defend any proceedings;
- Any legal or regulatory requirements for the retention of Personal Data;
- What our insurance terms require in relation to the retention of Personal Data;
- Any specific requests to hold such Personal Data from a Data Subject;
- Satisfying any legal, accounting or reporting requirements;
- Whether we need to hold on to such Personal Data to assist us with the performance of our services or the performance of a contract; and/or
- Any orders for preservation of evidence, including Personal Data.

SCHEDULES – EMPLOYMENT/ENGAGEMENT

Type of employment record	Retention period and reasons (where appropriate)
Recruitment/Engagement records These may include: Completed application forms or CVs. Assessment exercises Notes from interviews Pre-employment verification of details provided by the successful candidate. For example, checking qualifications and taking up references. (These may be transferred to a successful candidate's employment file.)	Six months after notifying unsuccessful candidates of the outcome of the recruitment/engagement exercise. The reason for this is to take account of the time limits for any unsuccessful candidate to bring a claim for discrimination or unfair treatment arising from the recruitment process (S.123 Equality Act 2010). For successful candidates who are employed/engaged by the Company, some of these records (where relevant to the on-going working relationship) may be retained whilst the candidate remains employed/engaged by the Company. In general, however, application forms, CVs, assessment exercises and tests and notes from interviews will be retained no longer than 2 years after the employment/engagement has commenced. We may keep such details for longer periods if requested by the Data Subject or with the Data Subject's consent.
Immigration checks	Three years after the termination of employment/engagement.



Contracts	
These may include: Written particulars of employment. Contracts of employment or other contracts. Freelance contracts Documented changes to terms and conditions.	While employment continues and for seven years after the contract ends. This is to take into account the limitation periods for bringing claims against the Company – Limitation Act 1980
Payroll and wage records	
Payroll and wage records and PAYE records	These must be kept for at least three years after the end of the tax year to which they relate. However, given their potential relevance to pay disputes they will be retained for seven years after employment ends. See: Gov.uk: PAYE and payroll for employers; https://www.gov.uk/payee-for-employers/keeping-records ; and s.5 Limitation Act 1980; and the National Minimum Wage Regulations 1998 (as amended).
Current bank details	Bank details will be deleted as soon after the end of employment/engagement as possible once final payments have been made
Records in relation to hours worked and payments made to workers	These must be kept for three years beginning with the day on which the pay reference period immediately following that to which they relate ends. However, given their potential relevance to pay disputes they will be retained for seven years after the working relationship ends (Working Time Regulations 1998 and Limitation Act 1980).
Travel and subsistence.	While employment/engagement continues and for seven years after employment ends (Limitation Act 1980).
Personnel/contractor/freelance records	



These include: Qualifications/references. Consents for the processing of special categories of personal data. Annual leave records. Disciplinary procedures. Grievance procedures. Resignation, termination and retirement.	While employment continues and for seven years after employment ends (Limitation Act 1980)
Records in connection with working time	
Working time opt-out	Three years from the date on which they were entered into (Working Time Regulations 1998) but will be kept for life of employment and 7 years in case such details are relevant to any claims and/or injury claims.
Records to show compliance, including: Time sheets for opted-out workers. Health assessment records for night workers.	Three years after the relevant period (Working Time Regulations 1998). However, we will generally keep these records for the life of the employment and thereafter for 7 years to take into account potential claims
Maternity records	
These include: Maternity payments. Dates of maternity leave. Period without maternity payment. Maternity certificates showing the expected week of confinement.	Four years after the end of the tax year in which the maternity pay period ends (Regulation 26, The Statutory Maternity Pay (General) Regulations 1986 (as amended)).
Accident records	
These are created regarding any reportable accident, death or injury in connection with work.	For at least four years from the date the report was made (to take into account limitation period under Limitation Act 1980 and time for issuing and serving proceedings).
Production footage, images, recordings, audios, video, photographs, etc	



These are created as part of the Company's business and we have an on-going interest in such data	These will generally be held indefinitely as we have an ongoing legitimate interest to retain the product. A provisional limit of 20 years is set unless we have a legitimate reason for retaining such images for longer
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RETENTION OF STUDENT/PARENT DATA AND THIRD PARTIES – SCHEDULE

Type of record	Retention period and reasons (where appropriate)
Contact details of students/parents: Name, address, email address and telephone numbers	For life of any contract we have with the student/parent and a period of 7 years thereafter to take into account limitation periods and period to issue proceedings. Limitation Act 1980.
Records of calls/meetings	
This might be in the form of emails or telephone notes or file notes of meetings held	These records will be kept for the life of any particular contract that the communications relate to and thereafter for a period of 7 years (or in the case of productions for however long is necessary whilst we retain an interest in the product).
Contracts	
This may include: • Purchase Orders for the school's merchandise • Signed contracts • Terms and conditions agreed • Communications • Notices given or received	These will be held for a period of 7 years after each contract has ended unless we have a continuing relationship in which case, we may keep such details for longer. Limitation Act 1980. We may hold for longer if required by our insurers or regulators or if part of a production (where we have a continuing interest in the product)
Financial management and accounting records	



This may include: • Annual plans and budgets • Accounts payable and receivable ledgers • Annual audit reports • Financial statements • Bank statements, cancelled cheques • Business expense records • Electronic fund transfer documents • Invoices • Tax records	These will be retained for life of working relationship or production and 7 years following the end of the relationship/Production, unless we need to keep for longer (where we continue to hold an interest in the product). Unlikely to hold much personal data and therefore we may hold for longer if required by auditors or otherwise as required by law. Generally, influenced by any limitation period for bringing claims – Limitation Act 1980.
Insurance records/claims documents	
This may include: • Insurance claims • Documents from contract with supplier • Communications with contacts at supplier relevant to insurance or claim • Insurance applications • Insurance contracts and policies • Settlement or withdrawal of claims	These will be retained for 7 years from the conclusion of the insurance policy or if any claim for however long the information is needed to defend such claim, including appeal, review and enforcement.
Accident records	
These are created regarding any reportable accident, death or injury in connection with our students or attendees at our school or at our events	For at least four years from the date the report was made (to take into account limitation period under Limitation Act 1980 and time for issuing and serving proceedings).
Production footage, images, recordings, audios, video, photographs, etc	
These are created as part of the Company's business and we have an on-going interest in such data	These will generally be held indefinitely as we have an ongoing legitimate interest to retain the product. A provisional limit of 20 years is set unless we have a legitimate reason for retaining such images for longer

