

Data Retention and Destruction Policy

What is data retention?

Data retention is the system of keeping stored data for a specific period of time.

What is data destruction?

Data destruction is the secure process of getting rid of retained data after it is no longer necessary to keep it.

Purpose of the policy

We are committed to upholding our obligations regarding retention of personal data which we collect, hold and process. This will be done in accordance with UK data protection law including UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA).

The UK GDPR sets out rules in relation to data retention and destruction. It says:

- documents and personal data should be kept for no longer than necessary.
- data should be securely destroyed or anonymised when they are no longer needed.
- you must comply with an individual's request to change or delete data if there are no other legal grounds or overriding legitimate grounds for not doing so.
- you must comply with an individual's request to see data held on them via a subject access request (unless there is an exemption under the UK GDPR)
- you must carry out a data audit to ensure data is not kept for longer than necessary and to help with responding to subject access requests.

This policy sets out the:

- types of personal data held by Sport Structures, including data for employment, application for employment purposes and learners engaging in our services.
- period or periods the personal data will be retained for
- criteria for establishing and reviewing periods personal data will be kept for
- ways and when personal data will be deleted or disposed of

This policy should also be read alongside our other policies on data and security, including:

- IT use policy
- Data Protection Policy⁴⁴

These can be found on our [website here](#).

We specifically aim to:

- set out limits for the retention of personal data and ensure they are complied with.
- ensure data subjects' rights to erasure are complied with.
- comply with its obligations and rights of data subjects under the GDPR.
- safeguard the rights of data subjects under the GDPR by ensuring excessive data is not retained.
- improve the speed and efficiency of managing data.

Scope of the policy

This policy applies to all personal data held by Sport Structures as well as third party data processors who process personal data on our behalf.

Personal data held by us is stored in the following ways and locations:

- our cloud servers located online.
- third-party servers operated by CloudClevr.
- computers permanently located on our premises in Birmingham.
- devices such as laptops, desktop computers and mobile phones provided by the company.
- computers and mobile devices owned by employees, agents and associates.
- physical records stored at our office.

Roles and responsibilities

Our data protection officer is the Director of Digital Technology. They are responsible for:

- overseeing the implementation of this policy
- monitoring compliance with this policy and other related policies
- undertaking appropriate training to maintain currency
- signposting/delivering training internally to staff as appropriate.
- ensuring compliance with data retention periods
- answering any questions that relate to:
 - data retention
 - data protection
 - UK GDPR compliance

To make sure the policy is still accurate and up to date, the Director for Digital Technology will review it once a year.

Definitions

The UK GDPR defines 'personal data' as any information relating to an identified or identifiable person (a 'data subject'). An identifiable person is one who can be identified directly or indirectly by an 'identifier'. Examples of identifiers include:

- name
- an identification number
- location data
- an online identifier, or
- one or more factor specific to someone's:
 - physical appearance
 - physiological features such as fingerprint.
 - genetics
 - mental state
 - economics
 - culture, or
 - social identity

'Special category' personal data is also known as 'sensitive' personal data. This type of data includes but is not limited to:

- race
- ethnicity
- political views
- religious beliefs
- trade union membership, and
- sexual orientation

Compliance with the law

In accordance with the UK GDPR, Sport Structures will not keep personal data which identifies the data subject for longer than necessary. It will also only be used for the purpose which the data is being processed. The only exception is where the data is to be processed for:

- archiving purposes in the public interest
- scientific or historical research, or
- statistical purposes

Where an exception applies, Sport Structures will put in place appropriate technical and organisational measures to protect the data.

Under the UK GDPR data subjects have the right to have their personal data erased. This is sometimes known as "the right to be forgotten". Data subjects have the right to have their personal data erased (and to prevent the processing of that personal data) in the following circumstances:

- where the personal data is no longer required for the purpose for which it was originally collected or processed
- when the data subject withdraws their consent
- when the data subject objects to the processing of their personal data and Sport Structures has no overriding legitimate interest
- when the personal data must be erased to comply with a legal obligation, or
- where the personal data is processed for the provision of information society services to a child

Data subject right and data integrity.

All personal data held by Sport Structures is done so in accordance with the requirements of the UK GDPR and data subjects' rights.

Data subjects are kept fully informed of:

- their rights
- what personal data Sport Structures holds on them?
- how the personal data is used.
- how long Sport Structures will hold the personal data for or, the criteria on which the data retention will be decided.

Data subjects are given control over their personal data held by Sport Structures, including the right to:

- have incorrect data rectified.
- request their personal data be deleted or disposed of (subject to any other retention period)
- restrict Sport Structures' use of their personal data.
- data portability

Technical and organisational data security measures

Sport Structures has the following technical measures in place to protect the security of personal data:

- all emails containing personal data must be encrypted and marked 'confidential'.
- personal data may only be transmitted over secure networks.
- where personal data is to be transferred as a hard copy, it should be either:
 - passed directly to the recipient, or
 - sent using Royal Mail
- personal data physically transferred should be done so in a suitable container marked 'confidential'.
- no personal data can be shared informally.
- if access is required to any personal data, it should be formally requested to the Director of Digital Technology

- whether it is hard copy or electronic, if personal data is stored on physical media, it will be stored securely.
- whether working on behalf of Sport Structures or not, no personal data can't be transferred without authorisation to any:
 - employees
 - agents
 - contractors, or
 - other parties
- personal data must be always handled with care and not left unattended or on show.
- computers used to view personal data must be locked before being left unattended.
- all personal data stored electronically should be backed up at least once a week.
- all electronic copies of personal data should be stored securely using passwords and encryption.
- all passwords used to protect personal data should be changed regularly and must be secure.
- passwords are not to be written down or shared.
- software can't be installed on company owned devices without approval.
- where personal data is held by Sport Structures for marketing purposes:
 - appropriate consent must be obtained, and
 - data subjects must be given the option to 'opt out'.

Sport Structures has the following organisational measures in place to protect the security of personal data:

- all employees and associates working on behalf of Sport Structures will be trained on their individual and company responsibilities under the GDPR and other company policies.
- only those that need access to personal data for their work will have access to it.
- all employees and associates working on behalf of Sport Structures who handle personal data will:
 - be appropriately trained and supervised.
 - exercise care and caution when discussing work relating to personal data.
 - has their performance regularly reviewed and evaluated?
 - be bound by contract to comply with the GDPR and other relevant data protection laws and policies.
- methods of collecting, holding and processing personal data will be regularly evaluated and reviewed.

Sport Structures' Data Retention

As required by law, Sport Structures will not retain any personal data for longer than necessary and will only collect, hold and process it for the purpose for which it was required.

Different types of personal data, used for different purposes, will be retained for different periods of time. Retention will be periodically reviewed as set out below.

When establishing and/or reviewing retention periods, we will consider the following:

- our objectives and requirements
- type of personal data
- the purpose which the data has been collected, held and processed for
- Sport Structures' legal basis for collecting, holding and processing the data.
- The category or categories of data subject to whom the data relates.

If a precise retention period cannot be fixed for a particular type of data, we will:

- create appropriate criteria for the retention of the data.
- ensure the data can be regularly reviewed against the criteria.

Personal data may be deleted or disposed of before the end of the retention period if Sport Structures decides it is appropriate to. This also includes when a data subject has requested its disposal.

In certain circumstances it might be necessary to retain personal data for longer periods. For example, where it is necessary for:

- archiving which is in the public interest.
- scientific or historical research purposes, or
- statistical purposes

Data retention for any of the above purposes will be subject to appropriate technical and organisation measures to protect the rights and freedom of the data subject.

The table below details our data retention periods for different types of data we keep.

Type of data	Purpose of data	Review period	Retention period	Comments
Employee files and personal development records	Necessary for the performance of an employment contract and for compliance with a legal obligation	Annually	6 years after termination	The National Archives Retention Scheduling: Employee Personnel Records and CPID
Associate files, evidence of competence and personal development records	Necessary for the performance of an employment contract and for compliance with a legal obligation	Annually	6 years	The National Archives Retention Scheduling: Employee Personnel Records and CPID
Disciplinary and grievance, examination and testing, accident and ill health	Necessary for the performance of an employment contract	Annually	6 years after termination of employment	Limitation Act 1980
Job descriptions and terms and conditions	Necessary for the performance of an employment contract. For compliance with a legal obligation	Annually	6 years after termination of employment	Limitation Act 1980
Training material	Necessary for the performance of an employment contract	Annually	6 years after termination of employment	Limitation Act 1980
Payroll sheets	Necessary for the performance of an employment contract	Annually	6 years after termination of employment	HM Treasury guidelines, National Audit Office advice, Companies Act 2006

Type of data	Purpose of data	Review period	Retention period	Comments
Maternity, paternity, adoption, shared parental leave and sickness absence	Necessary for the performance of an employment contract	Annually	3 years	Statutory Sick Pay (General) Regulations 1982 Statutory Maternity Pay (General) Regulations 1986 Statutory Paternity and Statutory Adoption Pay (General) Regulations 2002 and Shared Parental Leave Regulations 2014
Successful recruitment candidate information (including third party referee details provided by the applicant)	Necessary for the performance of an employment contract	Annually	6 months after termination of employment	The National Archives Retention Scheduling: Employee Personnel Records and CPID
Unsuccessful recruitment candidate information (including third party referee details provided by the applicant)	For the purposes of the legitimate interest pursued by the data controller	Every 6 months	6 months after recruitment drive	Limitation Act 1980
Staff pension, pay history and termination reasons	Necessary for the performance of an employment contract	Annually	100 years	The National Archives Retention Scheduling: Employee Personnel Records
Health surveillance	Necessary for the performance of an employment contract. For compliance with a legal obligation	Annually	40 years	Health and Safety at Work Act 1974

Type of data	Purpose of data	Review period	Retention period	Comments
Third party emergency contact details provided by the staff member	Necessary for the performance of an employment contract	Annually	For duration of employment	GDPR and business need

The data below is specific to the delivery of training:

Type of data	Purpose	Retention period
Learner registration and achievement records	To allow for certificate re-issue, quality assurance and audit purposes	3-5 years
Learner portfolios / evidence	For external or internal quality assurance purposes	3 months or until EQA sign off
Complaints, appeals and malpractice records	Legal protection and compliance	6 years
Quality assurance and assessment records	Evidence trails for certification, where required	3 years

Destruction of Data

All documents, physical and digital, containing personal data are destroyed securely and in accordance with the data protection principles.

When the data retention period expires, or when a data subjects says they want their personal data erased, it will be deleted, destroyed or disposed of as follows:

- personal data and special category personal data, which is stored electronically, and all backups will be securely deleted.
- personal data and special category personal data which is stored in hard copy form will be disposed of and shredded.

Data audits

The Director of Digital Technology will perform data audits every year to review the data we have. This is to:

- ensure data is not kept for longer than necessary.
- ensure there is a proper business reason for keeping the data it retains.
- check if any data needs to be kept for longer or shorter periods of time.
- make sure Sport Structures' practices on data retention and destruction are still sufficient.
- help if a data subject access request is received.

Policy non-compliance

Failure to comply with this policy may result in disciplinary action (internal incidents). We will take this action in line with our disciplinary procedure.

Failure to comply with this policy may result in fines, legal action and/or other remedies as deemed appropriate (external incidents).