

## Data Retention Policy

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<b>Document:</b>	Data Retention Policy
<b>Topic:</b>	Data protection
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### Introduction

All businesses must keep personnel and financial records in order to run their business efficiently and to comply with statutory requirements. The type of record will determine the length of time the record must be kept for. The Company acknowledges that all records must be kept in accordance with data protection laws and more specifically our policies in respect of data protection.

#### Summary of principles

1. Businesses collecting personal data must register with the Information Commissioner's Office. The Company's registration number is Z9635342.
2. The Company must take extra care with 'sensitive personal data' i.e. data relating to race, ethnic origin, political or religious opinions or philosophical beliefs, trade union membership, data concerning health or a person's sex life or sexual orientation or criminal records.
3. The Company is not required to keep the original of all documents - copies can be stored but they must be stored in writing, including in electronic format.
4. If erasing or destroying records, then destruction must be done securely. The Company disposes of data through a confidential waste company as well as through on site shredding.
5. As a provider working under contract to NHS we are obliged to keep records in line with the Health and Social Care Act.

## Data Retention Policy

The Company keeps documents for the time period stated below.

Document type	How long to keep for (and source of requirement)
<b>Personnel records - Commercial (Non Health Care Workers)</b>	
<ul style="list-style-type: none"> <li>Work-seeker records including application form/CV, ID checks, terms of engagement (see also below), details of assignments, opt-out notices and interview notes</li> <li>Hirer records including client details, terms of business (see below) and assignment/vacancy details.</li> </ul>	<p>1 year from the last date of providing work-finding services as an Employment Agency or Employment Business (Conduct of Employment Agencies and Employment Businesses Regulations 2003 (Conduct Regulations))</p> <p>For full details see pages 16 and 19 to 20 of the REC Guide to the Conduct Regulations.</p>
Terms of engagement with temporary worker and terms of business with clients	6 years in order to deal with any civil action in the form of contractual claim (Limitation Act 1980) (5 years in Scotland).
Working time records: <ul style="list-style-type: none"> <li>48 hour opt out notice</li> <li>Annual leave records</li> </ul>	2 years from the time they were created
Annual appraisal/assessment records	No specific period - under data protection laws we only keep records for as long as is necessary.
References	Under data protection laws, we only keep records for as long as is necessary. However, the Conduct Regulations require references to be kept for 1 year following the introduction or supply of a work-seeker to a client.
Records held relating to right to work in the UK	2 years after employment or engagement has ended
Criminal records checks/ Disclosure Barring checks	There is no longer a 6 month time limit on how long DBS certificates can be kept for. When it comes to handling and storing certificates the <a href="#">new DBS Code</a> requires registered bodies to 'handle all information provided to them by DBS, as a consequence of applying for a DBS product, in line with the obligations under Data protection Act 1998'.
National Minimum Wage documentation: <ul style="list-style-type: none"> <li>Total pay by the worker and the hours worked by the worker</li> <li>Overtime/shift premium;</li> <li>Any deduction or payment of accommodation;</li> <li>Any absences eg rest breaks, sick leave, holiday;</li> <li>Any travel or training during working hours and its length;</li> <li>Total number of hours in a pay reference period</li> </ul>	<p>For HMRC purposes: 3 years after the end of the pay reference period following the one that the records cover (National Minimum Wage Act 1998)</p> <p>Or 6 years to evidence national minimum wage compliance</p>

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Document type	How long to keep for (and source of requirement)
Sickness records - statutory sick pay	Records to be kept as required for payroll purposes (see below)
Statutory maternity, paternity, adoption pay	3 years from the end of the tax year to which it relates
Pensions auto-enrolment (including auto-enrolment date, joining date, opt in and opt out notices, contributions paid)	6 years except for opt out notices which will be kept for 4 years. For further information see <a href="#">The Pensions Regulator's detailed guidance for employers.</a>
Gender pay gap reporting	1 year and statement will be kept on the Government website and ENS's website for 3 years.
Personal Information for service users	<p>Personal information within client file kept for a minimum of seven (7) years, or longer if required by law.</p> <p>Personal information kept within feedback procedure for three (3) years to identify trends and patterns into our service.</p>
<b>Personnel Records - Healthcare and Office Staff</b>	
Staff Employment File including but not limited to details of assignments, occupational health reports, evidence of right to work, security checks and recruitment documentation, Training records, Disciplinary processes.	<p>6 years after the agency worker / employee leaves</p> <p><a href="https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016">https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016</a></p>
Duty Rosters	6 years from the end of the financial year

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Summary of Staff Record <ul style="list-style-type: none"> <li>• Name</li> <li>• Previous names</li> <li>• ID number</li> <li>• Pay Rates</li> <li>• Date of Birth</li> <li>• Addresses</li> <li>• Positions Held</li> <li>• Building or sites worked at</li> <li>• A summary of the employment history with dates</li> <li>• Reason for leaving</li> <li>• Pension information including eligibility</li> <li>• Any work related injury</li> <li>• Any exposure to asbestos, radiation and other chemicals which may cause illness in later life</li> <li>• Professional training history and professional qualifications related to the delivery of care</li> <li>• List of buildings where the member of staff worked and the dates worked in each location.</li> </ul>	Until agency worker / employee reaches 75 <sup>th</sup> Birthday
<b>Company financial records</b>	
VAT	6 years - An <a href="#">overview of VAT record keeping</a> is available on the Gov.uk website.
Company accounts	6 years - An <a href="#">overview of running a limited company</a> on the Gov.uk website.
<ul style="list-style-type: none"> <li>• Payroll information</li> <li>• CIS records</li> </ul>	3 years from the end of the tax year - <a href="#">CIS record-keeping</a> and <a href="#">PAVE record-keeping</a> guidance on the Gov.uk website.
ITEPA (the intermediaries legislation) records	Report due every quarter, to be kept for no less than 3 years after the end of the tax year to which they relate.

### Related policies

ENS Privacy Notice Care & Support  
 ENS Privacy Notice  
 Data Protection Procedure  
 Data Protection Policy  
 Information Security Policy