

Records Retention Policy

1. INTRODUCTION

- 1.1. The main aim of this policy is to enable the Open University Students Association to manage our records effectively and in compliance with data protection and other regulations. As an organisation we collect, hold, store and create significant amounts of data and information and this policy provides a framework of retention and disposal of categories of information and documents.
- 1.2. The Open University Students Association is committed to the principles of data protection including the principle that information is only to be retained for as long as necessary for the purpose concerned.
- 1.3. The table below sets out the main categories of information that we hold, the length of time that we intend to hold them, and the reason for this.
- 1.4. Irrespective of the retention period assigned to an overall category of information or document specified in Section 2, any special category data collected in accordance with one of the GDPR Article 9 conditions for processing special category data, will be either deleted or anonymised as soon as it is no longer required for the specific purpose for which it was collected.
- 1.5. For information, the Appendix sets out the legal requirements for certain categories of document. Where we have decided to keep information longer than the statutory requirement, this has been explained in the table at Section 2.
- 1.6. Section 3 of this policy sets out the destruction procedure for documents at the end of their retention period. The Chief Executive shall be responsible for ensuring that this is carried out appropriately, and any questions regarding this policy should be referred to them.
- 1.7. The “Person Responsible” identified for each category of information is the owner of the document and must maintain the official version of the document(s) for the full retention period. Any copies of document(s) may be destroyed at any point up to the full retention period.
- 1.8. If a document or information is reaching the end of its stated retention period, but you are of the view that it should be kept longer, please refer to the Chief Executive, who will make a decision as to whether it should be kept, for how long, and note the new time limit and reasons for extension.

DOCUMENT RETENTION PERIOD

| DOCUMENT CATEGORY | RETENTION PERIOD | PERSON RESPONSIBLE | REASON |
|---|--|---|---|
| Corporate/Constitutional | | | |
| Documents and photographs of clear historical/archival significance | Permanent if relevant data protection regulation provisions are met (as per OU Policy) | Ruth Cammies OU Archive – OU library (relationship maintained by Volunteer Team) | Data Protection regulation Open University Digital Archive Policy |
| Articles of Association Trustee/director minutes of meetings and written resolutions | Permanent | Chief Executive | Charities Act 2011 |
| Contracts, confidentiality and non-disclosure agreements | Recommended at least 10 years | Chief Executive (for OU Students Association) Head of Operations (for OUSET and OUSA (Services) Ltd) | Companies Act 2006; Charities Act 2011 |
| Conference minutes and resolutions | Length of contract term plus 6 years | Management team member responsible for the contract or agreement | Limitation Act 1980 |
| Legal files re provision of service | Recommended at least 10 years | Chief Executive | Companies Act 2006 (after incorporation); Charities Act 2011 |
| Details of contacts for Clubs and Societies | Life of service provision plus 6 years As long as Club/Society is affiliated. Societies and Clubs asked to confirm or update their contact details annually | Head of Student Community | Limitation Act 1980 Charities Act 2011. It is essential that we are able to communicate effectively with the named persons who represent Clubs and Societies |

| DOCUMENT CATEGORY | RETENTION PERIOD | PERSON RESPONSIBLE | REASON |
|---|--|--|--|
| Insurance | | | |
| Employer's liability insurance | 40 years | Deputy Chief Executive (Finance and Resources) | Employers' liability (Compulsory Insurance Regulation) 1998 |
| Policies and any claims correspondence | 3 years after lapse/settlement | Deputy Chief Executive (Resources) | |
| Health & Safety | | | |
| General records | 3 years | Head of Executive Support and Staff Welfare | Limitation Act 1970 |
| Accident reports | 3 years | Head of Executive Support and Staff Welfare | Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 |
| Personal Emergency Evacuation Protocols | 3 years | Fire Wardens | Health and Safety |
| Pension Records | | | |
| Pension records (including active members, opt in/opt out, records re the scheme and records re employees, all where known) | In keeping with latest guidance to employers from the Pensions Regulator | Chief Executive | In keeping with latest guidance to employers from the Pensions Regulator |
| Tax and Finance | | | |
| Annual Accounts | Permanently | Deputy Chief Executive (Finance and Resources) | Companies Act 2006; Charities Act 2011 |
| Societies accounts | 6 years following year end date | Deputy Chief Executive (Finance and Resources) | Finance Act 1998; Taxes Management Act 1970 |
| VAT returns and information relevant for VAT purposes | 6 years | Deputy Chief Executive (Finance and Resources) | Finance Act 1998; Taxes Management Act 1970 |
| Tax and accounting records | 6 years | Deputy Chief Executive (Finance and Resources) | Finance Act 1998; Taxes Management Act 1970 |
| Banking records | 6 years | Deputy Chief Executive (Finance and Resources) | Companies Act 2006; Charities Act 2011 |

| DOCUMENT CATEGORY | RETENTION PERIOD | PERSON RESPONSIBLE | REASON |
|--|--|--|--|
| Deed of covenant/Gift Aid declarations and correspondence re donations | 6 years | Deputy Chief Executive (Finance and Resources) | Companies Act 2006; Charities Act 2011 |
| Legacies (Ouset): correspondence and financial records | 6 years after completion of estate administration | Deputy Chief Executive (Finance and Resources); Head of Operations | Companies Act 2006; Charities Act 2011 |
| Ouset applications and supporting paperwork | 6 years following the end of the academic year in which the award is made. | Head of Operations | Companies Act 2006; Charities Act 2011 |
| Employees/Administration | | | |
| Payroll, Employee, Income Tax, National Insurance records, maternity pay, sick pay | 6 years | Open University payroll team (on behalf of the Chief Executive) | Taxes Management Act 1970/IT (PAYE) Regulations |
| Foreign national ID documents | 2 years from end of employment | Management team | Immigration (Restrictions on Employment) Order 2007 |
| HR files and training records | 6 years from end of employment | Head of Executive Support and Staff Welfare | Limitation Act 1970 and Data Protection Regulation |
| Unsuccessful Job applications and pre-employment vetting | 6 months | Head of Executive Support and Staff Welfare | ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976 |
| Volunteer Role applications (CVs and related materials re unsuccessful applicants) | Recommended: 6-12 months from your notification of outcome of application | Head of Operations (for Graduations) | ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976 |
| Volunteer vetting | 6 months | Head of Student Support | ICO Employment Practice Code |
| Disclosure & Barring Service checks | Only satisfactory/unsatisfactory result and delete any other information | Head of Volunteering and Representation | ICO Employment Practice Code Record |

| DOCUMENT CATEGORY | RETENTION PERIOD | PERSON RESPONSIBLE | REASON |
|--|---|---|---|
| Volunteer records | <p>Volunteer application forms are deleted every 6 months. General volunteer data is kept for 5 years to provide a historical log or to inform future recruitment.</p> <p>Volunteers working with vulnerable adults, or within a CEC, Trustee or Director role will be kept as historical data.</p> | <p>Head of Volunteering and Representation,</p> <p>Head of relevant teams responsible for deleting own additional data.</p> | <p>Retention is in place to ensure that volunteer data is kept no longer than necessary for tasks undertaken, however, it is important to have historical information to inform term length restrictions and if future allegations are made.</p> <p>ICO Employment Practice Code Record</p> |
| Volunteer training records | <p>Deleted upon completion of volunteer role unless individual was in a role working with Vulnerable adults, or within a CEC, Trustee or Director role.</p> <p>In these circumstances data will be deleted a maximum of 6 years from end of role.</p> | <p>Head of Volunteering and Representation,</p> <p>Head of relevant teams responsible for deleting own additional data.</p> | Data Protection regulation |
| Member's Disciplinary and Complaints records | Retained for 6 years from the date of the last activity. | Deputy Chief Executive (Student and Staff Engagement) | |
| Activity/Sector | | | |
| Event Attendees | Personal data deleted upon completion of event feedback and review. Where event information is required, data to be anonymised. | Relevant Head of team/project | Data Protection regulation |

| DOCUMENT CATEGORY | RETENTION PERIOD | PERSON RESPONSIBLE | REASON |
|---|--|--|---|
| Black, Asian and Minority Ethnic Students Group Membership List | Membership data is retained until individuals leave. Non-members are removed immediately. | Group Chair/Secretary/Head of Student Support | Kept on website database to enable engagement between groups and members. |
| Disabled Students Group Membership List | As above. As above but kept on Dropbox database to enable engagement between groups and members. Deleted after 5 years (kept to allow us to identify if previous supporters are re-applying) | Group Chair/Secretary/Head of Student Support (data controlled by group itself). | Kept on website database to enable engagement between groups and members. |
| OU Pride Membership List | As above. | Group Chair/Secretary/Head of Student Support (data controlled by group itself). | Kept on website database to enable engagement between groups and members. |
| Peer Support Volunteers List | Deleted after 2 years (kept in case of complaint) | Head of Student Support | |
| Peer Support emails | Deleted within 5 working days of an email being distributed. | Head of Student Support | |
| CAMEL emails - PIs | Mail lists should be deleted after they are no longer relevant. E.g. when they apply to information on an event/activity which has passed. Review every 6 months to ensure compliance with this approach. | Head of Digital Communications | To facilitate mailings on a variety of subjects including service messages. |
| Mail lists on MailChimp | Mail lists should be deleted after they are no longer relevant. E.g. when they apply to information on an event/activity which has passed. Review every 6 months to ensure compliance with this approach. | Head of Digital Communications | To distribute mailings on a variety of Association activities/events. |
| Membership opt out records | As well as being permanently logged in the opt out database, | Head of Operations is responsible for opt out records. | The opt out database is an OU system and so is not covered by this policy. The sharing of the |

| DOCUMENT CATEGORY | RETENTION PERIOD | PERSON RESPONSIBLE | REASON |
|-------------------------------|--|--|---|
| | opt outs are logged on a spreadsheet temporarily and shared with the management team following freshers, elections and other activities that generate opt outs. This is so that students who have opted out of membership can also be removed from any other mailing lists. The spreadsheet is available for 2 weeks and then deleted. | All managers are responsible for maintaining their mailing lists and reviewing these against the temporary opt out listing within the timeframe. | temporary record for a limited period enables the opt out notification to be applied to our own mailing lists as well as being logged in the OU's student management information system. |
| University Challenge Entrants | For those students entering but not making the team all details will be deleted at the point the team (5 students) is finalised. Details of the final 5 students will be kept for at least five years. | Head of Student Community | We will need to contact entrants as part of the selection process. Details of the final team will be kept as they are often used in events such as Conference. Their names and photo will also be kept as part of the Association Archive. |
| Meet-up Hosts | Details of Meet-up hosts are kept so that we can send relevant information to them on new events, initiatives and policies. Data deleted when host ceases volunteering | Head of Student Community | We need to contact these active students to ensure that they are happy and safe in delivering meet-ups. |
| Residential school volunteers | We need contact details for our Resi-school volunteers in order to make the events run smoothly and safely. Data kept for 18 months. | Head of Student Community | We keep this data for a period of 18 months. This enables us to contact them the following year to see if they wish to continue volunteering. |

2. DELETION OF DOCUMENTS AND DATA

- 2.1. When a document or set of data is at the end of its retention period, it should be dealt with in accordance with this policy.
- 2.2. The OU Students Association staff team holds an annual deletion week when old records are cleared to ensure compliance.
- 2.3. Records held by volunteers and elected representative will be deleted 5 years after the completion of their term, or in line with local policies/approaches depending on the role and data/documents held.

Confidential waste

- 2.4. This must be placed in Open University provided confidential waste sacks or shredded.
- 2.5. Anything that contains personal information should be treated as confidential.
- 2.6. When deleting electronic records, make sure you also empty the Recycle Bin or in the case of emails the Deleted Items folder.

Other documentation

- 2.7. Other documentation can be deleted or placed in recycling bins where appropriate.

Individual responsibility

- 2.8. When faced with a decision about an individual document, you should ask yourself the following:
 - 2.8.1. Has the information come to the end of its useful life?
 - 2.8.2. Is there a legal requirement to keep this information or document for a set period? (Refer to the Appendix for more information)
 - 2.8.3. Would the information be likely to be needed in the case of any legal proceedings? (Is the information contentious, does it relate to an incident that could potentially give rise to proceedings?)
 - 2.8.4. Would the document be useful for the organisation as a precedent, learning document, or for performance management processes?
 - 2.8.5. Is the document of historic or statistical significance?
- 2.9. If the decision is made to keep the document, this should be referred to the Chief Executive and reasons given.

APPENDIX

This is for reference when compiling your retention period framework in Section 2. It covers the main categories of documents with a legal or commercial requirement to keep them for a set period, relevant to charities generally. There may be other requirements in relation to the sectors or areas of activity you operate in.

| DOCUMENT TYPE | LEGISLATION/REASONS FOR RETENTION | REQUIREMENT |
|---|--|---|
| CORPORATE/CONSTITUTIONAL RECORDS | | |
| Company Articles of Association, Rules/bylaws | Companies Act 2006 Charities Act 2011 | Permanent |
| CIO constitution/rules | Charities Act 2011 | Permanent |
| Royal Charter/Bylaws/Trust Deed/unincorporated association constitution | Charities Act 2011 | Permanent |
| Trustee/director minutes of meetings and written resolutions | Companies Act 2006 Charities Act 2011 CIO (General) Regulations 2012 | Recommended at least 10 years |
| Members' meetings etc Minutes/resolutions | Companies Act 2006 Charities Act 2011 CIO (General) Regulations 2012 | Recommended at least 10 years |
| Documents of clear historical/archival significance | Data Protection regulation | Permanent if relevant data protection regulation provisions are met |

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|--|--|---|
| Contracts e.g. with funders or grantees, confidentiality and non-disclosure agreements | Limitation Act 1980 | Length of contract term plus 6 years |
| Contracts executed as deeds | Limitation Act 1980 | Length of contract term plus 12 years |
| IP records and legal files re provision of service | Limitation Act 1980 | Recommended: Life of service provision or IP plus 6 years |
| TAX AND FINANCE | | |
| Annual accounts and review (including transferred records on amalgamation) | Companies Act 2006 Charities Act 2011 CIO (General) Regulations 2012 | Minimum 6 years Recommended: permanent record |
| Tax and accounting records | Finance Act 1998 Taxes Management Act 1970 | 6 years from end of relevant tax year |
| Information relevant for VAT purposes | Finance Act 1998 and HMRC Notice 700/21 | Minimum 6 years from end of relevant period |
| Banking records/receipts book/sales ledger | Companies Act 2006 Charities Act 2011 | 6 years from transaction |
| Deed of covenant/Gift Aid declarations and correspondence re donations | As part of tax records | 6 years after last payment or 12 years if payments are outstanding or dispute over deed |
| Legacies – correspondence and financial records | | 6 years after completion of estate administration |
| EMPLOYEE/ADMINISTRATION | | |
| Payroll/Employee/Income Tax and NI records: P45; P6; P11D; P60 etc | Taxes Management Act 1970 /IT (PAYE) Regulations | 6 years from end of current year |

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|---|---|---|
| Maternity pay | Statutory Maternity Pay Regulations | 3 years after the end of the tax year |
| Sick pay | Statutory Sick Pay (General) Regulations | 3 years after the end of the tax year |
| National Minimum wage records | National Minimum Wage Act | 3 years after the end of the tax year |
| Foreign national ID documents | Immigration (Restrictions on Employment) Order 2007 | Minimum 2 years from end of employment |
| HR files and training records | Limitation Act 1970 and Data Protection regulation | Maximum 6 years from end of employment |
| Records re working time | Working Time Regulations 1998 as amended | 2 years |
| Job applications (CVs and related materials re unsuccessful applicants) | ICO Employment Practices Code (Recruitment & Selection) Disability Discrimination Act 1995 & Race Relations Act 1976 | Recommended: 6-12 months from your notification of outcome of application |
| Pre-employment/volunteer vetting | ICO Employment Practice Code | 6 months |
| Disclosure & Barring Service checks | ICO Employment Practice Code | Record only satisfactory/unsatisfactory result and delete other information |
| Volunteer records | | Undertake assessment to decide on retention period taking account of risk (e.g. safeguarding re work with children or vulnerable adults) |
| INSURANCE | | |
| Employer's Liability Insurance | Employers' Liability (Compulsory Insurance Regulation) 1998 | 40 years |
| Policies | Commercial | 3 years after lapse |

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|--|---|---|
| Claims correspondence | Commercial | 3 years after settlement |
| HEALTH & SAFETY/MEDICAL | | |
| General records | Limitation Act 1970 | Minimum 3 years |
| Records re work with hazardous substances | Control of Hazardous Substances to Health Regulations 2002 | Up to 40 years. Recommend: Permanent |
| Accident books/records and reports | Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995 | 3 years after last entry or end of investigation |
| Medical Scheme documentation | Commercial | Permanent unless personal data is included |
| CHARITY PREMISES/PROPERTY | | |
| Original title deeds | | Permanent/to disposal of property |
| Leases | Limitation Act 1980 | 12 years after lease has expired |
| Building records, plans, consents and certification and warranties etc | Limitation Act 1980 | 6 years after disposal or permanent if of historical/archival interest. Carry out review re longer retention e.g. if possible actions against contractors |
| PENSION RECORDS | For all categories see: Detailed Guidance for Employers: (April 2017) http://www.thepensionsregulator.gov.uk | |
| Records about employees and workers | For all categories see: | |

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| Records re the Scheme | Detailed Guidance for Employers: (April 2017) http://www.thepensionsregulator.gov.uk | |
| Records re active members and opt in/opt out | | |
| Trust Deed/Rules and HMRC approvals | | |
| Trustees' Minutes and annual accounts | | |
| Policies including investment policies | | |