



DATA RETENTION AND SECURITY POLICY

1. The purpose of this policy

The Data Protection Acts 1988 and 2003 (as amended) (the **DPA**) and, from the 25th of May 2018, the General Data Protection Regulation (the **GDPR**) impose obligations on Prism Arts, to process personal data in a fair manner which notifies data subjects of the purposes of data processing and to retain the data for no longer than is necessary to achieve those purposes.

Under these rules, individuals have a right to be informed about how their personal data is processed. The GDPR sets out the information that we should supply to individuals and when individuals should be informed of this information. We are obliged to provide individuals with information on our retention periods or criteria used to determine the retention periods.

1.1. Grounds for processing

Under the DPAs and the GDPR, Prism Arts are required to provide data subjects with the legal grounds or lawful basis that they are relying on for processing personal data.

The legal grounds for processing personal data are as follows:

- Consent;
- Performance of a contract;
- Legal obligation;
- Vital interest;
- Public interest; or Legitimate interests.

Explicit consent is required where special categories, also known as sensitive personal data are being processed.

If there is no justification for retaining personal information, then that information should be routinely deleted. Information should never be kept "just in case" a use can be found for it in the future. If we want to retain information about our clients to help us to provide a better service to them in the future, we must obtain their consent in advance.

1.2. Further processing

Further retention of the personal data should be lawful only when it is compatible with the purposes for which it was originally collected. In this case no separate legal basis is required - it should be relied on

where it is necessary, for exercising the right of freedom of expression and information, for compliance with a legal obligation, for the performance of a task carried out in the public interest, in the area of public health, for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, or for the establishment, exercise or defence of legal claims.

1.3. Right of erasure

Individuals have the right to have their personal data erased and no longer processed in the following circumstances:

- Where the personal data are no longer necessary in relation to the purposes for which they are collected or otherwise processed, or
- Where a data subject has withdrawn his or her consent or objects to the processing of personal data concerning him or her,
- Where the processing of his or her personal data does not otherwise comply with the GDPR.

That right is relevant where the data subject has given his or her consent as a child and is not fully aware of the risks involved by the processing, and later wants to remove such personal data, especially on the internet.

The data subject should be able to exercise that right notwithstanding the fact that he or she is no longer a child.

2. Document Retention Procedure

As a charity, we are required to retain certain records, usually for a specific amount of time.

We must retain certain records because they contain information that:

- Serves as Prism Arts corporate memory.
- Have enduring business value (for example, they provide a record of a business transaction, evidence Prism Arts rights or obligations, protect our legal interests or ensure operational continuity.
- Must be kept to satisfy legal, accounting or other regulatory requirements.

We must balance these requirements with our statutory obligation to only keep records for the period required and to comply with data minimisation principles. The retention schedule below sets out the relevant periods for the retention of Prism Arts documents.

3. Types of Documents

This policy explains the differences among records, disposable information, personal data and confidential information belonging to others.

3.1. Records

A record is any type of information created, received or transmitted in the transaction of Prism Arts business, regardless of physical format. Examples of where the various types of information are located are:

- Appointment books and calendars.
- Audio and video recordings.
- Computer programs.

- Contracts.
- Electronic files.
- E-mails.
- Handwritten notes.
- Invoices.
- Letters and other correspondence.
- Memory in mobile phones and PDAs.
- Online postings, such as on Facebook, Twitter, Vine and other sites.
- Performance reviews.
- Voicemails.

Therefore, any paper records and electronic files, that are part of any of the categories listed in the Records Retention Schedule contained in the Appendix to this policy, must be retained for the amount of time indicated in the Records Retention Schedule.

A record must not be retained beyond the period indicated in the Record Retention Schedule, unless a valid business reason (or a litigation hold or other special situation) calls for its continued retention.

3.2. Disposable Information

Disposable information consists of data that may be discarded or deleted at the discretion of the user once it has served its temporary useful purpose and/or data that may be safely destroyed because it is not a record as defined by this policy. Examples may include:

- Duplicates of originals that have not been annotated.
- Preliminary drafts of letters, memoranda, reports, worksheets and informal notes that do not represent significant steps or decisions in the preparation of an official record.
- Books, periodicals, manuals, training binders and other printed materials obtained from sources outside of Prism Arts and retained primarily for reference purposes.
- Spam and junk mail.

3.3. Personal Data

Personal Data is defined as any data which can identify an individual either on its own or when combined with other data which we possess. Some examples of personal data include names and addresses, email addresses, CVs, details of previous employment, medical records and references. We have specific obligations relating to personal data as set out in the GDPR.

3.4. Confidential Information Belonging to Others

Any confidential information that an employee may have obtained from a source outside of Prism Arts, such as a previous employer, must not, so long as such information remains confidential, be disclosed to or used by Prism Arts. Unsolicited confidential information submitted to Prism Arts should be refused (unless required in connection with our safeguarding obligations) and returned to the sender where possible and deleted, if received via the internet.

4. Prism Arts responsibilities in Records Management

Our CEO, in conjunction with our Trustees is responsible for identifying the documents that Prism Arts must or should retain and determine the proper period of retention. Day to day management shall be delegated to the Finance and Administrator and monitored accordingly. These responsibilities include:

1. Arranging for the proper storage and retrieval of records.

2. Handling the destruction of records whose retention period has expired.
3. Planning, developing and prescribing document disposal policies, systems, standards and procedures.
4. Monitoring compliance so that employees know how to follow the document management procedures and the Trustees have confidence that Prism Arts records are controlled.
5. Developing and implementing measures to ensure that only authorised users have access to the information, and that Prism Arts keeps only the information it needs, thereby efficiently using space.
6. Establishing standards for filing and storage equipment and recordkeeping supplies.
7. Identifying essential records and establishing a disaster plan to ensure maximum availability of Prism Arts records in order to re-establish operations quickly and with minimal interruption and expense.
8. Periodically reviewing the records retention schedules and legislation to determine if Prism Arts document management program and its Records Retention Schedule complies with legislation.
9. Explaining to employees their duties relating to the document management procedures.
10. Ensuring that the maintenance, preservation, computer disk storage, destruction or other disposition of Prism Arts records is carried out in accordance with this policy and our legal requirements.
11. Planning the timetable for the annual records destruction exercise and the annual records audit, including setting deadlines for responses from staff.

5. How to Store and Destroy Records

5.1. Storage

Prism Arts records must be stored in a safe, secure and accessible manner. Any documents and financial files that are essential to our business operations during an emergency must be duplicated and/or backed up at least once per week and maintained off site.

5.2. Destruction

Prism Arts is responsible for the continuing process of identifying the records that have met their required retention period and supervising their destruction. The destruction of personal data, confidential, financial and personnel-related records must be through a secure waste disposal method.

6. Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact The Data Protection Lead, Prism Arts on 01228 587691 or by e-mail at office@prismarts.org.uk

Appendix

Record Retention Schedule

In this policy Prism Arts establishes retention or destruction schedules or procedures for specific categories of records.

This is done to ensure legal compliance and accomplish other objectives, such as protecting intellectual property and controlling costs.

Employees should give special consideration to the categories of documents listed in the record retention schedule below.

Personnel, Volunteer and Participant Records (including Payroll Records)	
Record	Retention Period
Employee and volunteer applications and resumes	1 year and 1 day or where successful, for the duration of the employment plus 7 years from the date of termination of employment.
Employee and volunteer offer letters (and other documentation regarding hiring, promotion, demotion, transfer, termination or selection for training)	7 years from date of making record or action involved, whichever is later, or 1 year from date of involuntary termination
Participant sign up letters and other documentation relating to attendance at Prism Arts or involvement in Prism Arts activities	7 years from the end of the academic year to which they relate
Records relating to background checks on employees and volunteers	7 years from when the background check is conducted
Employment contracts; employment and termination agreements	7 years from the date of expiry of the contract or agreement
Employee records with information on pay rate or weekly compensation	3 years
Injury and Illness Incident Reports and related Annual Summaries; Logs of work-related injuries and illnesses	6 years following the end of the calendar year that these records cover
Job descriptions, performance goals and reviews; garnishment records	For the duration of the employment plus 7 years from the date of termination of employment
Employee tax records	6 years from the date tax is due or paid
Personnel or employment records	7 years from the date the record was made
Written allegations/ complaints: Records received/created because of investigating significant cases which set precedents or result in changes Prism Arts Policy	Retain indefinitely
Superannuation / Pension/ Retirement records	Permanent
Log and Summary of Occupational Injuries and Illnesses	For the duration of the employment plus 7 years from the date of termination of employment
Payroll registers (gross and net)	7 years

Time cards; piece work tickets; wage rate tables; pay rates; work and time schedules; earnings records; records of additions to or deductions from wages; records on which wage computations are based	7 years
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Corporate Records	
Record	Retention Period
Charity Commission incorporation records	Permanent
Annual charity commission filings	Permanent
Board policies, resolutions and meeting minutes	Permanent
Contracts	Permanent if current (7 years if expired)
E-mails (business related)	Permanent
Fixed Asset Records	Permanent
All tax records	Permanent
Sales and purchase records	3 years

Accounting and Finance	
Record	Retention Period
Accounts Payable and Receivables ledgers and schedules	7 years
Annual audit reports and financial statements	Permanent
Annual plans and budgets	2 years
Bank statements, cancelled checks, deposit slips	7 years
Business expense records	7 years
Details of cheques/stubs	7 years
Electronic fund transfer documents	7 years
Employee expense reports	7 years
General ledgers	Permanent
Journal entries	7 years
Invoices	7 years

Tax Records	
Record	Retention Period
All tax records	7 years

Legal and Insurance Records	
Record	Retention Period
Appraisals	6 years from termination
Insurance claims/ applications	Permanent
Insurance disbursements and denials	Permanent
Insurance contracts and policies (Director and Officers, General Liability, Property, Workers' Compensation)	Permanent
Leases	6 years after expiration
Patents, patent applications, supporting documents	Permanent
Trademark registrations, evidence of use documents	Permanent

Marketing	
Record	Retention Period
Mailing Lists	Permanent (includes automatic function to unsubscribe)
Public e-mails (funding requests, promotional and update e-mails etc)	Permanent
Newsletters	Permanent