



HR SOLUTIONS

# Data Retention Policy

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## Introduction

### Purpose

This policy accompanies the Quay HR Solutions Data Protection & Privacy Policy, which sets out the Company's commitment to data protection, and individual rights and obligations in relation to personal data.

A copy of this policy and the Quay HR Solutions Data Protection & Privacy Policy will be held internally on the Quay HR Joint Working Documents and will be made available to all employees and externally on the Quay HR website

If, having also reviewed the Data Protection & Privacy Policy, you have questions about this Data Retention policy, or requests for further information, please contact enquiries@qhhrs.net.

### Scope

This policy applies to any individual about whom Quay HR collects and/or uses personal data. Such individuals may include (but are not automatically limited to):

- Employees of Quay HR Solutions;
- Job applicants to Quay HR Solutions;
- Clients of Quay HR Solutions;
- Employees of Clients of Quay HR Solutions;
- Job applicants to Clients of Quay HR Solutions;
- Suppliers of Quay HR Solutions.

The below timescales apply to our UK clients only. Revised retention periods, based on local legislation and limitation periods, will be made available to any employers where data is to be processed from or held overseas.

### Definitions

**"Data subject"** means an individual who is the subject of personal data.

**"Personal data"** is any information that relates to an individual who can be identified from that information.

**"Processing"** is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

**"Special categories of personal data"** means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

**"Criminal records data"** means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

## Audit

Quay HR Solutions will undertake an audit of electronic and hard-copy data every six months. The purpose of this audit is to ensure that all data is held in accordance with the data protection principles specified by law, for the protection of the rights of each individual data subject.

In order to ensure that the Company keeps personal data only for the period necessary for processing, the data retention periods set out in the following sections will be referred to.

If the audit identifies data that has been held beyond the data retention period specified below, it will be securely disposed of at the next six-monthly audit following the expiration of the specified period, unless exceptional circumstances create a necessity for it to be further retained for the purpose of processing. No further notice of disposal beyond this policy will be given.

Please note that after the timescales specified below, Quay HR Solutions will be unable to assist with or accept responsibility for any documents you are unable to locate.

## Data Retention Periods

### Former Clients

This section relates to employees of and other individual contacts relating to clients who have ceased using the services of Quay HR Solutions. Clients who have not recently used the services of Quay HR but have stated an intention to do so again when a need arises are not included in this category.

Data Type	Data Retention Period
All electronic and hard-copy records.	27 months following issue of last invoice.

### Former Employees

This section relates to former employees of Quay HR Solutions and former employees of current clients of Quay HR Solutions.

Data Type	Data Retention Period
All electronic and hard-copy personnel records, excepting that specified below.	Six years following termination of employment, plus a three-month buffer period.  In event of an early conciliation process, employment tribunal claim, personal injury claim or other legal proceedings including appeals, this will be amended to six years plus a three-month buffer period following the resolution of any legal proceedings.
COT3, Settlement Agreement or similar legal agreement.	Indefinitely.
<ul style="list-style-type: none"><li>Name;</li><li>Dates of service;</li><li>Job title;</li><li>Any disciplinary action*.</li></ul>	Indefinitely, for the purpose of providing employment references.  *This information will only be retained in the event of their being a legal obligation to

	disclose, e.g. for a regulated post in financial services.
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## Job Applicants

This section relates to individuals who speculatively and/or unsuccessfully apply for employment with Quay HR Solutions and/or a client (current or former) of Quay HR Solutions.

Data Type	Data Retention Period
All electronic and hard-copy application and selection records.	Six months following notification of decision not to offer, plus a three-month buffer period.

## Current Employees

This section relates to individuals employed by Quay HR Solutions or clients of Quay HR Solutions. Employees of clients who have not recently used the services of Quay HR but have stated an intention to do so again when a need arises are included in this category.

Data Type	Data Retention Period
<ul style="list-style-type: none"> <li>• Contracts and any other documents relating to terms and conditions of employment;</li> <li>• Evidence of right to work;</li> <li>• Employee contact details, including full name, postal address, telephone numbers and personal email address (employee is responsible for providing any updated details);</li> <li>• Emergency contact details (employee is responsible for providing any updated details);</li> <li>• Data required by HMRC, including but not limited to name, date of birth, address, NI number, tax code, etc.;</li> <li>• Pension provider details.</li> </ul>	To be retained indefinitely and updated where information provided unless either employee or client becomes former.
Interview notes and employment references.	Three months following successful completion of the probationary period. The length of the probationary period will vary depending on the role and employer, and will be specified in the employee's contract of employment. This includes any extension to the probationary period.
File notes.	To be retained for 12 months plus a three-month buffer or for the duration of an issue being monitored plus a three-month buffer, whichever is longer, unless either the employee or client becomes former.
Performance records, including appraisal documentation.	To be retained for 24 months plus a three-month buffer, or for the duration of an issue being monitored plus a three-month buffer,

	<p>whichever is longer, unless either employee or client becomes former.</p>
Disciplinary records.	<p>Disciplinary warnings and associated file notes will be kept on file for the period for which they are “live”; this period will be specified in the disciplinary hearing outcome letter.</p> <p>During this time, unless a disciplinary warning is overturned at appeal or in some other exceptional circumstance, “right to be forgotten” requests will not be granted in relation to the disciplinary warning.</p> <p>Following the “live” period, disciplinary warnings and associated file notes may continue to be held on file, particularly if relevant to an ongoing performance concern, but will not be used to determine future disciplinary sanctions. The appropriateness of this will be reviewed at six-monthly audit or on receipt of a “right to be forgotten” request.</p> <p>Please also see “Former employees of Quay HR and current clients” regarding the retention of records following termination of employment.</p>
Criminal Records Checks.	<p>Certain job roles may necessitate these to be held indefinitely, until the client or employee becomes former.</p> <p>In such cases records will be updated as appropriate to comply with the Rehabilitation of Offenders Act, e.g. six months following a conviction becoming spent.</p>
Medical Reports.	<p>Medical records relating to specific periods of illness that are not recurring or continuous will be retained for the period of any reasonable adjustments (including any phased return to work) plus a three-month buffer; or 12 months since last symptoms/reasonable adjustments plus a three-month buffer; or a recurrence of related symptoms plus a three-month buffer, whichever the longer.</p> <p>Medical records relating to an ongoing illness or disability (continuous or recurring), including records of requests for and arrangement of reasonable adjustments, will be retained indefinitely and updated where information provided, unless either employee or client becomes former, when above guidelines will apply.</p>

	<p>In certain circumstances, for example for medical records specified under the Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH), statutory periods apply to the retention of medical records. In the event that a statutory retention period applies to any data held by Quay HR, the statutory period will be adhered to, plus a three-month buffer period. The timescales set out above will be applied when no statutory retention period is relevant.</p>
Capability records.	<p>Capability warnings and associated file notes will be kept on file for the period for which they are “live”; this period will be specified in the capability hearing outcome letter. Following the “live” period, capability warnings and associated file notes may continue to be held on file, particularly if relevant to an ongoing concern. The appropriateness of this will be reviewed at six-monthly audit or on receipt of a “right to be forgotten” request.</p>
Payroll and Pension records.	<p>As Quay HR Solutions do not administer payroll or pensions, the employer’s payroll and/or pensions administrator is responsible for fulfilling the statutory obligations for keeping PAYE and other pay/pension records (see “Statutory Retention Periods” section below).</p> <p>For employees of Quay HR Solutions, the Company will work with the payroll and pension administrators as appropriate to ensure fulfilment of statutory obligations.</p>
Health and safety records.	<p>As Quay HR Solutions do not provide Health and Safety consultancy services, the client or their Health and Safety representative is responsible for Health and Safety record keeping, including fulfilling the statutory obligations (see “Statutory Retention Periods” section below).</p> <p>For employees of and visitors to Quay HR Solutions, the company assumes responsibility for the fulfilment of the statutory obligations set out below.</p>

## Statutory Retention Periods

In the event that a statutory retention period applies to any data held by Quay HR, the statutory period will be adhered to, plus a three-month buffer period. Please note that in the event of any

apparent discrepancy between the internal retention periods set out above, and the statutory periods listed below, the statutory retention periods (plus a three-month buffer period) will apply.

These timescales are correct at the time of this policy being approved, and will be reviewed to ensure they remain applicable. In the event of any changes to statutory retention periods being made prior to the review of this policy, the statutory retention period in force at the time of any six-monthly audit will be applied (plus a three-month buffer period).

Statutory periods from <https://www.cipd.co.uk/knowledge/fundamentals/people/hr/keeping-records-factsheet>

Data Type	Data Retention Period
Accident books, accident records/reports.	<p>Three years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos).</p> <p>Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).</p>
Income tax and NI returns, income tax records and correspondence with HMRC.	<p>Statutory retention period: not less than three years after the end of the financial year to which they relate.</p> <p>Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).</p>
Medical records and details of biological tests under the Control of Lead at Work Regulations.	<p>Statutory retention period: 40 years from the date of the last entry.</p> <p>Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).</p>
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH).	<p>Statutory retention period: 40 years from the date of the last entry.</p> <p>Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).</p>
Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates.	<p>Statutory retention period: (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.</p>



	Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632).
Medical records under the Ionising Radiations Regulations 1999.	Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50 years.  Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).
Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH).	Statutory retention period: five years from the date on which the tests were carried out.  Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).
Records relating to children and young adults.	Statutory retention period: until the child/young adult reaches the age of 21.  Statutory authority: Limitation Act 1980.
Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity.	Statutory retention period: six years from the end of the scheme year in which the event took place.  Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103).
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence.	Statutory retention period: three years after the end of the tax year in which the maternity period ends.  Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.
Wage/salary records (also overtime, bonuses, expenses).	Statutory retention period: six years.  Statutory authority: Taxes Management Act 1970.
National minimum wage records	Statutory retention period: three years after the end of the pay reference period following the one that the records cover.  Statutory authority: National Minimum Wage Act 1998.
Records relating to working time	Statutory retention period: two years from date on which they were made.  Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).