

GEM Partnership Ltd Data Retention Policy

1. Responsibility

- 1.1 The Data and Compliance Team responsible for this policy are;
 - 1.1.1 Annie Dorner – Compliance & Projects Manager
 - 1.1.2 James Proudlock – Digital & Data Manager

2. Introduction

- 2.1 Information is one of GEM's corporate assets; in the course of carrying out our business and providing services to both the business community, work seekers, apprentices and learners. GEM accumulates information from both individuals and external organisations. GEM also generates a wide range of data, which is recorded in documents, IT systems and records.
- 2.2 This document refers to data held by GEM Partnership and any other subsidiaries of the GEM Group.
- 2.3 These documents, systems and records are in several different formats, examples of which include, (but are not limited to) communications such as letters, emails and texts; financial information including invoices, statements and reports; legal documents such as contracts and deeds; and information relating to various types of recruitment assignment and service provision, including (but not limited to) CV's, timesheets, payroll information, applications, interview records, video interviews (Odro), references, criminal records checks, assignment details and regulatory audit activity. For Training purposes, the formats in addition, also include enrolment documents, learner paperwork within portfolios and documents completed whilst the learner is on program.
- 2.4 For the purposes of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form, and "systems" could include the CRM systems, email platforms, Odro (video interviewing), Jotform (online forms tool), computer hard drives, cloud-based storage and hard copy filing, PICS, .gov websites, BKSB, Awarding Body Portals
- 2.5 In certain circumstances it will be necessary to retain specific documents in order to fulfil statutory or regulatory requirements and also to meet operational and contractual obligations. Document retention may also be useful to evidence events or agreements in the case of disputes, and also to preserve information which has historic value.
- 2.6 Premature destruction of documents could result in inability to defend litigious or HMRC claims, operational difficulties and failure to comply with statutory obligations such as (but not limited to) the Freedom of Information Act 2000, the Employment Agencies Act 1973, the Conduct of Employment Agencies and Employment Businesses Regulations 2003, the Working Time regulations 2002, The Equality Act 2010 and the UK General Data Protection Regulations, the Data Protection Act 2018 and Funding Providers (including but not limited to ESFA and NEMCA). For Training, removal of data and documents could result in funding being removed or clawed back and termination of funding contracts.
- 2.7 Equally, the retention of all documents and records is impractical and appropriate disposal is encouraged. Disposal will assist GEM to maintain sufficient electronic and office storage space, reduce risk associated with data loss and will de-clutter office accommodation, resulting in a more desirable working environment. Lengthy or indefinite retention of personal information could also result in GEM breaching the UK General Data Protection Regulations and/or Data Protection Act 2018.
- 2.8 It is important for the above reasons that GEM has in place systems for the timely and secure disposal of documents and records that are no longer required for business purposes, from all our systems and those of our commercial partners where applicable.

3. Aims and Objectives

- 3.1 The key objective of this Policy is to provide GEM with a simple framework which will govern decisions on whether a particular document should be retained or disposed of. In the case of documents or records which are to be retained by GEM, the Policy includes guidance on the format in which they should be retained and appropriate retention periods.
- 3.2 Implementation of the Policy should save staff time when retrieving information, in particular by reducing the amount of information that may be held unnecessarily.
- 3.3 The Policy in relation to document retention and disposal applies to both GEM records held and managed by our staff and those held by 3rd party organisations who are designated data processors, such as (but not limited to) client organisations, master vendors, payroll partners, Department for Education, the Education, Skills, and Funding Agency and Funding Partners.
- 3.4 It is envisaged that this Policy will assist GEM in securing compliance with legal and regulatory requirements, including the Freedom of Information Act 2000 and the General Data Protection Regulations 2018. In addition to assisting GEM staff and suppliers in their day to day business, this should also ensure that searches for information requested under the GDPR legislation are easily managed.
- 3.5 Additionally, the Policy should help to ensure that GEM archives records and documents that are of historical value appropriately for the benefit of data subjects and in line with our legal obligations.

4. Scope

- 4.1 This Retention Policy applies to all information held by GEM Partnership and its external service providers where they are processing information on GEM's behalf.

5. Policy Statement

- 5.1 GEM will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its' statutory, contractual and service obligations.

6. Retention and Disposal Policy

- 6.1 Decisions relating to the retention and disposal of documentation should be taken in accordance with this Policy, in particular:
 - 6.1.1 Appendix 1 – Documents Type, Retention Period and Disposal Method
- 6.2 In circumstances where a retention period of a specific document has expired, a review should always be carried out prior to a decision being made to dispose of it. This review should not be particularly time consuming and should be straightforward. If the decision to dispose of a document or record is taken, then consideration should be given to the method of disposal to be used.

7. Roles and Responsibilities

- 7.1 The board of directors will be responsible for determining (in accordance with this Policy) whether to retain or dispose of specific documentation types, systems or records at a macro level.
- 7.2 The board may delegate the operational aspect of this function to one or more systems or compliance managers or divisional managers within the company. Individual documents and records however are the responsibility of the business at large and all staff should take an active role in determining whether a document or record requires action in line with this policy.
- 7.3 Systems or compliance managers, or staff in general should enquire with senior management or the board of directors if they are uncertain as to whether minimum retention periods are prescribed by law, or whether the retention of a document or record

is necessary to protect the company's position where a potential for retrieval in line with statutory obligations is likely.

8. Disposal

- 8.1 When documents are disposed of, the method of disposal should be appropriate to the nature and sensitivity of the documents concerned.
- 8.2 Documents can be disposed of by any of the following methods:
 - 8.2.1 Non-Confidential records: place in waste paper bin for disposal
 - 8.2.2 Confidential records*: shred documents internally or via an approved external supplier
 - 8.2.3 Deletion of electronic Records.
 - 8.2.4 Transmission of records to an external body such as SAR for data porting.
- 8.3 * It is essential that any documents which are to be disposed of and may contain confidential or personal data must be disposed of in this way, in order to avoid breaches of confidence or of the UK General Data Protection Regulations (GDPR) or Data Protection Act 2018.

9. Security

- 9.1 GEM will need to ensure that all data (hard copy or electronic) is kept securely and access is only available to authorised personnel.
- 9.2 All staff will need to assess how they manage the data they receive or generate on behalf of the company and take steps to identify and address any potential weaknesses. E.g. access to email by a 3rd party, filing cabinets, document transmissions to 3rd parties etc.

APPENDIX 1

Document Retention Schedule

Where a minimum retention period has been set by law, statute etc..., GEM will retain the document or record for a maximum of an additional year unless there is consent for continued processing or there are contractual obligations to fulfil.

| Document Type | Retention period | Disposal type |
|--|---|-----------------|
| Personnel records | | |
| Work seeker records including application forms, cv, ID checks, terms of engagement, details of assignments, opt out notifications, interview notes, video interviews, next of kin, references, induction information and other registration documents. | At least 1 year from any introduction to a client | CW and Deletion |
| Hirer records including client details, assignment or vacancy details, package and rate details, terms of business etc. | At least 1 year from any introduction to a candidate | CW and Deletion |
| Terms of engagement with temporary workers, umbrella company workers, or limited company contractors | 6 years in order to deal with any civil actions or contractual claims | CW and Deletion |
| Working time records such as 48 hour opt out notifications, annual leave records and time and attendance records | 2 years from the time they were created | CW and Deletion |
| Annual appraisal and assessment records | No legal obligations, however aim for 1 year from termination of assignment or contract | CW and Deletion |
| Eligibility to work in the UK records | 2 years after employment or engagement has ended - not alterable | CW and Deletion |
| Criminal records checks, disclosure and barring checks | Not retained | CW and Deletion |
| National minimum wage documentation: Total pay by the worker and hours Overtime and shift premia Any deductions or payments for accommodation Any absences or rest break records Holiday and sick pay Any travelling or training during working hours Total number of hours in a pay reference period | For HMRC purposes - 3 years after the end of the pay reference period - or 6 years in order to defend a claim | CW and Deletion |
| Sickness records and SSP | In line with other payroll information (see below) | CW and Deletion |
| Health related records, including any occupational health reports | 6 years in order to deal with any civil actions or contractual claims | CW and Deletion |
| Statutory maternity, paternity and adoption pay | 3 years from the end of the tax year to which it relates | CW and Deletion |

| | | |
|--|--|-----------------|
| Pension, auto-enrolment related records | 6 years except for opt outs which should be kept for 4 years | CW and Deletion |
| Gender pay gap reporting | 1 year, but the data needs to be kept on the government website and GEM website for 3 years | CW and Deletion |
| Company financial information | | |
| VAT | 6 years | CW and Deletion |
| Company accounts | 6 years | CW and Deletion |
| Payroll information CIS records | 3 years from the end of the tax year to which it relates | CW and Deletion |
| ITEPA (the intermediaries legislation) records | Report is due every quarter, no less than 3 years after the end of the tax year to which it relates | CW and Deletion |
| Training Records | | |
| Learner Personal Records for Training and Government funding requirements. Information gathered - Personal data <ul style="list-style-type: none"> • Name • Date of birth • Contact details, including telephone number, email address and postal address • Experience, training and qualifications • National Insurance Number • Qualification files and completed work within portfolios Sensitive personal data <ul style="list-style-type: none"> • Disability/health condition to support your learning needs • Ethnicity • Information on your Household situation. • Employment Details | ESFA & NEMCA 6 years from the end of the last financial year we received the last payment. The European Social Fund requires us to retain any records from before 31/12/2020 until 31/12/2030. Any records from 01/01/2021 should be retained for 6 years from the end of the last financial year we received the last payment. Awarding Bodies require us to retain records for 3 years from the completion of the qualification. . | CW and Deletion |

Disposal Method

CW – Confidential Waste (Shredded)

Bin – General paper waste

Deletion – deleted off local PC and non-local storage including OneDrive, Owncloud, third party portals or websites, and any other handheld devices where applicable. Hard Drives and other storage media must be securely wiped before disposal.

GEM procure offsite archiving services for all electronic data, including email systems, shared drive libraries, databases and individual pc files and folders. This archived data is held in encrypted format in secure datacentres, by suppliers who hold ISO27001 (information security management system) certification and is not accessible by staff without director approval. Any deleted data in line with the schedules outlined above will be held for a further 3 months in this archived environment.