

Data Protection Policy

Dates

Date of Policy: February 2013
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Related Policies:

Safeguarding Policy, Company Handbook, Risk Management Policy

1. Introduction

- 1.1. This policy outlines the obligations of YSS regarding data protection and the rights of its employees, volunteers, and service users concerning their personal data under **Data Protection Law**.
- 1.2. **Data Protection Law** refers to all legislation and regulations currently in force governing the use of personal data and electronic communications privacy. This includes, but is not limited to:
 - The retained EU law version of the **General Data Protection Regulation (UK GDPR)**.
 - The **Data Protection Act 2018**.
 - The **Privacy and Electronic Communications Regulations 2003** (as amended); and
 - Any successor legislation.
- 1.3. This policy outlines YSS's obligations related to the collection, processing, transfer, storage, and disposal of personal data of data subjects.
- 1.4. All employees, agents, contractors, and other parties working on behalf of YSS must comply with the procedures and principles established in this policy at all times.

2. General Provisions

- 2.1. YSS must collect and use specific types of information about the individuals it works with to carry out its operations effectively. These include:
 - Current, past, and prospective service users.
 - Past and present employees.
 - Suppliers; and
 - Other individuals or entities YSS conducts business with.
- 2.2. Occasionally, YSS may be legally required to collect and use certain types of information to fulfil obligations to partner agencies or regulatory authorities.
- 2.3. Regardless of how it is collected, recorded, or used, all personal information must be handled appropriately and securely.

- 2.4. This policy applies to all personal data collected and processed by YSS, in line with the **7 key principles** of UK GDPR:
1. **Lawfulness, fairness, and transparency:** YSS must process personal data fairly and transparently, ensuring individuals are informed about the collection and use of their data.
 2. **Purpose limitation:** Personal data must be collected for specific, explicit, and legitimate purposes.
 3. **Data minimisation:** Only data that is necessary for the specified purposes should be collected.
 4. **Accuracy:** Personal data must be accurate and kept up to date.
 5. **Storage limitation:** Personal data must not be kept longer than necessary and should adhere to the **Data Retention Policy**.
 6. **Integrity and confidentiality:** Personal data must be protected against unauthorised access, loss, or damage using appropriate technical and organisational measures.
 7. **Accountability:** YSS must demonstrate compliance with data protection principles through documentation, training, and regular reviews.
- 2.5. A designated **Data Protection Officer (DPO)** will take responsibility for ensuring YSS's ongoing compliance with this policy and report directly to the Board of Trustees.
- 2.6. This policy shall be reviewed at least annually to ensure its continued relevance and compliance with applicable laws and regulations.
- 2.7. YSS will maintain its registration with the **Information Commissioner's Office (ICO)** as a data processing organisation.

3. Record Retention

- 3.1. Information (hard copy and electronic) will be retained for at least the period specified in our Records Retention schedule (sometimes known as Data retention schedule or guidelines) attached as *appendix 1*.
- 3.2. All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.
- 3.3. Hard copy and electronically-held documents and information must be deleted at the end of the retention period.
- 3.4. Hard copy documents and information will be disposed of by either shredding or via a ISO9001:2008 standard confidential waste disposal service.

4. Individual Rights

- 4.1. Under UK GDPR, individuals have the following rights regarding their personal data:
- The **right to be informed** about the collection and use of their data.
 - The **right of access** to their personal data.
 - The **right to rectification** of inaccurate or incomplete data.
 - The **right to erasure** (the “right to be forgotten”) under certain conditions.
 - The **right to restrict processing** of their personal data.
 - The **right to data portability** to transfer their data to another service provider.
 - The **right to object** to certain processing, such as direct marketing.
 - Rights related to automated decision-making and profiling.
- 4.2. Requests from individuals to exercise their rights must be handled promptly and within the statutory timeframes (typically **one month**). YSS must have procedures in place to manage such requests effectively.

5. Data Breach Reporting

- 5.1. In the event of a personal data breach, YSS must:
- Notify the **ICO** within **72 hours** if the breach poses a risk to individuals’ rights and freedoms.
 - Inform affected individuals without undue delay if the breach poses a high risk to their rights and freedoms.
- 5.2. All breaches must be documented, including the nature of the breach, actions taken, and outcomes.

6. Data Transfers

- 6.1. Personal data transferred outside the UK must comply with UK GDPR requirements.
- Data may only be transferred to countries that provide an adequate level of data protection, as determined by adequacy decisions.
 - Where adequacy decisions are unavailable, appropriate safeguards, such as **Standard Contractual Clauses (SCCs)**, must be in place.

7. Lawful Basis for Processing

- 7.1. YSS must ensure that all processing activities have a lawful basis under UK GDPR, which may include:
- **Consent**: Obtained freely, specifically, and unambiguously from the data subject.
 - **Contractual necessity**: Data processing required to perform or enter into a contract.
 - **Legal obligation**: Necessary to comply with the law.
 - **Vital interests**: Protecting someone’s life.
 - **Public task**: Carrying out official functions or tasks in the public interest.
 - **Legitimate interests**: Processing necessary for YSS’s legitimate interests, provided it doesn’t override individuals’ rights and freedoms.

7.2. YSS must document the lawful basis for each processing activity.

8. Training and Awareness

- 8.1. All employees, volunteers, and contractors handling personal data must receive regular training on data protection requirements and their responsibilities under this policy.
- 8.2. YSS will ensure that data protection awareness is embedded into its organisational culture.

Record Retention Schedule – Appendix 1

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Introduction

This Record retention schedule accompanies and is incorporated into the YSS Record Retention Policy. It sets out the time periods that different types of records must be retained for business and legal purposes. This is a relatively lengthy document listing the many types of records used by YSS and the applicable retention periods for each record type.

The retention periods are based on business needs and legal requirements. If you maintain any types of records that are not listed in this Schedule, and it is not clear from the existing record types in this Schedule what retention period should apply, please contact the Data Manager (datamanager@yss.org.uk) for guidance. Any deviation from the retention periods in this Schedule must be approved in advance by the Data Manager.

1 **Employment records**

1.1 **Personnel records**

Record	Recommended retention period	Storage format	Reference
Rejected job applicant records, including: • contact details • application letters or forms • CVs • references • certificates of good conduct • interview notes • assessment and psychological test results	Six months after applicant is notified of rejection <i>Application forms should give applicants the opportunity to object to their details being retained</i>	Paper or electronic	<u>ICO Employment Practices Code para 1.7</u> Equality Act 2010, s 123
Application records of successful candidates, including: • application letters or forms • copies of academic and other training received • references • correspondence concerning employment	Six years after employment ceases	Paper or electronic	Limitation Act 1980 (LA 1980), s 5

Record	Recommended retention period	Storage format	Reference
- CVs - interview notes and evaluation forms - assessment and psychological test papers and results			
Criminal records information: - criminal records requirement assessments for a particular post - criminal records information forms - the Disclosure and Barring Service (DBS) check forms - DBS certificates	As soon as practicable after the check has been completed and the outcome recorded (ie whether satisfactory or not and a note made of the certificate number and date of check) unless, in exceptional circumstances, the data manager or safeguarding lead assesses that it is clearly relevant to the ongoing employment relationship, <i>eg to allow for consideration and resolution of any disputes or complaints</i> in which case, six months If the data manager considers it necessary to keep the information for longer than six months, the DBS should be consulted	Paper or electronic	<u>DBS guidance for employers: Duration of criminal record check validity</u> <u>ICO Employment Practices Code Nov 2011, part 1.7.4</u>
Employment contracts, including: - personnel and training records - written particulars of employment - changes to terms and conditions	Six years after employment ceases, unless document executed as a deed, in which case 12 years after employment ceases	Paper or electronic	LA 1980, ss 5, 8
Directors' service contracts and any variations	Six years from termination or expiry of the contract, unless executed as a deed, in which case 12 years from termination or expiry	Paper or electronic	LA 1980, ss 5, 8 Companies Act 2006, ss 227 and 228
Copies of identification documents (eg passports)	Not less than two years from date of termination of	Paper or electronic	Immigration (Restrictions

Record	Recommended retention period	Storage format	Reference
	employment		on Employment) Order SI 2007/3290, Art 6(1)(b)
Identification documents of foreign nationals (including right to work)	Not less than two years from date of termination of employment	Paper or electronic	Immigration (Restrictions on Employment) Order SI 2007/3290, art 6(1)(b)
Records concerning a temporary worker	Six years after employment ceases	Paper or electronic	LA 1980, s 5
Employee performance records, including: • probationary period reviews • review meeting and assessment interviews • appraisals and evaluations • promotions and demotions	Six years after employment ceases	Paper or electronic	LA 1980, s 5
Records relating to and/or showing compliance with Working Time Regulations 1998 including: • registration of work and rest periods • working time opt-out forms	Two years from the date on which the record was made	Paper or electronic	Working Time Regulations 1998, SI 1998/1833, reg 9
Redundancy records	Six years from date of redundancy	Paper or electronic	LA 1980, s 5
Annual leave records	Six years after the end of each tax year	Paper or electronic	LA 1980, s 5
Parental leave records	Six years after the end of each tax year	Paper or electronic	LA 1980, s 5
Sickness records	Six years after the end of each tax year	Paper or electronic	LA 1980, s 5
Records of return to work meetings following sickness, maternity etc	Six years the end of each tax year	Paper or electronic	LA 1980, s 5

1.2 Payroll and salary records

Record	Recommended retention period	Storage format	Reference
Records for the purposes of	Six years	Paper or	Taxes Management

Record	Recommended retention period	Storage format	Reference
tax returns including wage or salary records, records of overtime, bonuses and expenses		electronic	Act, 1970 s 12B Finance Act 1998, Schedule 18, para 21
Pay As You Earn (PAYE) records, including: • wage sheets • deductions working sheets • calculations of the PAYE income of employees and relevant payments	Three years	Paper or electronic	Income Tax (Pay As You Earn) Regulations 2003, SI 2003/2682, reg 97
Income tax and NI returns, income tax records and correspondence with HMRC	Three years after the end of the financial year to which they relate	Paper or electronic	Income Tax (Employments) Regulations 1993, SI 1993/744, reg 55
Records demonstrating compliance with national minimum wage requirements	Three years beginning with the day upon which the pay reference period immediately following that to which they relate ends	Paper or electronic	National Minimum Wage Regulations 2015, SI 2015/621, reg 59
Details of benefits in kind, income tax records (P45, P60, P58, P48 etc), annual return of taxable pay and tax paid	Six years (but general time limit under the TMA 1970 is reducing to four years from 1 April 2012)	Paper or electronic	Taxes Management Act 1970
Employee income tax and national insurance returns and associated HMRC correspondence	Three years from end of tax year to which they relate	Paper or electronic	Income Tax (Pay as You Earn) Regulations 2003, SI 2003/2682, reg 97
Statutory sick pay (SSP) records	Three years after the end of the tax year to which they relate	Paper or electronic	The requirement to maintain SSP records for three years after the end of the tax year to which they relate was revoked in 2014, but an employer may still be required by HMRC to produce such records as are in his possession or power which contain,

Record	Recommended retention period	Storage format	Reference
			or may contain, information relevant to satisfy HMRC that statutory sick pay has been and is being paid. The Statutory Sick Pay (General) Regulations 1982, SI 1982/894, reg 13(A)
Wage or salary records (including overtime, bonuses and expenses)	Six years	Paper or electronic	Taxes Management Act 1970, s 43
Records relating to hours worked and payments made to workers	Three years	Paper or electronic	National Wage Act 1998, s 9 The National Wage Regulations 1999, reg 38
Statutory maternity, paternity and shared parental pay records, calculations, certificates or other evidence	Three years after the end of the tax year in which the period of statutory pay ends	Paper or electronic	Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 26

2 Volunteer records

2.1 Personal records

Record	Recommended retention period	Storage format	Reference
Rejected volunteer applicant records, including: • contact details • application letters or forms • references • interview notes • initial training assessment and debrief records	Six months after applicant is notified of rejection <i>Application forms should give applicants the opportunity to object to their details being retained</i>	Paper or electronic	In line with employment procedure Equality Act 2010, s 123
Application records of successful volunteers, including: • application letters or forms • references • correspondence concerning volunteering • interview notes and evaluation forms	Six years after volunteering ceases	Paper or electronic	In line with employment procedure

Record	Recommended retention period	Storage format	Reference
initial training assessment and debrief records			
Criminal records information: - criminal records requirement assessments for a particular post - criminal records information forms - the Disclosure and Barring Service (DBS) check forms - DBS certificates	As soon as practicable after the check has been completed and the outcome recorded (ie whether satisfactory or not and a note made of the certificate number and date of check) unless, in exceptional circumstances, the data manager or safeguarding lead assesses that it is clearly relevant to the ongoing employment relationship, <i>eg to allow for consideration and resolution of any disputes or complaints</i> in which case, six months If the data manager considers it necessary to keep the information for longer than six months, the DBS should be consulted	Paper or electronic	<u>DBS guidance for volunteers:</u> <u>Duration of criminal record check validity</u>
Volunteering contracts, including: - personal and training records - written particulars of volunteering role - Driving licence	Six years after volunteering ceases	Paper or electronic	In line with employment procedures.
Volunteering supervision records, including:	Six years after volunteering ceases	Paper or electronic	In line with employment procedures and/or contract requirements.

2.2 Expenses records

Record	Recommended retention period	Storage format	Reference
Expenses records	Six years	Paper or electronic	Taxes Management Act 1970, s 43

3 Trustee records

3.1 Personal records

Record	Recommended retention period	Storage format	Reference
Rejected trustee (volunteer) applicant records, including: • contact details • application letters or forms • CVs • references • certificates of good conduct • interview notes	Six months after applicant is notified of rejection <i>Application forms should give applicants the opportunity to object to their details being retained</i>	Paper or electronic	<u>In line with employment procedure</u> Equality Act 2010, s 123
Application records of successful candidates, including: • application letters or forms • references • correspondence concerning becoming a trustee • CVs • interview notes and evaluation forms	Six years after directorship ceases	Paper or electronic	Limitation Act 1980 (LA 1980), s 5
Criminal records information: • criminal records requirement assessments for a particular post • criminal records information forms • the Disclosure and Barring Service (DBS) check forms	As soon as practicable after the check has been completed and the outcome recorded (ie whether satisfactory or not and a note made of the certificate number and date of check) unless, in exceptional	Paper or electronic	<u>DBS guidance for volunteers: Duration of criminal record check validity</u> In line with employment procedure

Record	Recommended retention period	Storage format	Reference
DBS certificates	circumstances, the data manager or safeguarding lead assesses that it is clearly relevant to the ongoing employment relationship, <i>eg to allow for consideration and resolution of any disputes or complaints</i> in which case, six months If the data manager considers it necessary to keep the information for longer than six months, the DBS should be consulted		
Directors' service contracts and any variations - written particulars of directorship - Companies House correspondence - Charity Commission correspondence	Six years from termination or expiry of the contract, unless executed as a deed, in which case 12 years from termination or expiry	Paper or electronic	LA 1980, ss 5, 8 Companies Act 2006, ss 227 and 228
Copies of identification documents (eg passports)	Not less than two years from date of termination of employment	Paper or electronic	In line with employment procedure

3.2 Expenses records

Record	Recommended retention period	Storage format	Reference
Expenses records	Six years	Paper or electronic	Taxes Management Act 1970, s 43

4 Service user records - Adults

4.1 Personal records

Record	Recommended retention period	Storage format	Reference
- Referral form(s) - Consent forms	Six years from last meeting with service user or as	Paper or electronic	As instructed by

Record	Recommended retention period	Storage format	Reference
- Personal information eg telephone number/dob - Case records - Assessments - Any other record information	required by the contract/Police/Safeguarding Board		contracting organisation.

5 Service user records – Children, young people and adults

5.1 Personal records

Record	Recommended retention period	Storage format	Reference
- Referral form(s) - Consent forms - Personal information eg telephone number/dob - Case records - Assessments - Any other recorded information.	Six years from last meeting with service user or as required by the contract/service provider/Police/Safeguarding Board.	Paper or electronic	As instructed by contracting organisation. In line with NSPCC recommendations

6 Health and safety records

	Recommended retention period	Storage format	Reference
Records of reportable injuries, diseases or dangerous occurrences - reportable incidents - reportable diagnoses - injury arising out of accident at work (including in YSS's accident book)	Three years from date of the entry	Paper or electronic	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013), SI 2013/1471, reg 12
Lists or register of employees who have been exposed to asbestos dust, including health records of each employee	40 years from the date of the last entry made in the record	Paper or electronic	Control of Asbestos Regulations 2012, SI 2012/63, reg 22(1)
Medical records and details of biological tests under the Control of Lead at Work	40 years from the date of the last entry made in the	Paper or electronic	The Control of Lead at Work Regulations 2002 (CLAW 2002), SI

	Recommended retention period	Storage format	Reference
Regulations	record		2002/2676, reg 10
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry made in the record	Paper or electronic	The Control of Substances Hazardous to Health Regulations 2002 (COSHH 2002), SI 2002/2677, reg 11
Records of monitoring of exposures to hazardous substances (where exposure monitoring is required under COSHH)	Where the record is representative of the personal exposures of identifiable employee—40 years from the date of the last entry made in the record Otherwise, five years from the date of the last entry made in the record	Paper or electronic	COSHH 2002, reg 10(5)
Records of tests and examinations of control systems and protective equipment under COSHH	Five years from the date on which the record was made	Paper or electronic	COSHH 2002, reg 9

7 Company Information

Record	Recommended retention period	Storage format	Reference
Records of: • Trustee meetings • Sub committee meetings • Board Resolutions • Special Resolutions	10 years from the date of meeting to which they relate.	Paper or electronic	