



## Young Enterprise Records Retention Policy

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### **1. Purpose of this Policy**

The purpose of this Records Retention Policy ("**Policy**") is to ensure that Young Enterprise records are appropriately retained. This Policy governs the **retention** of records which must be kept to meet legal obligations or business requirements and the **destruction** of records that Young Enterprise is no longer required to retain.

Organisations need to retain records for legal and commercial reasons as well as for purposes of good governance. But it is neither necessary nor advisable to retain all records. For instance, data protection and privacy rules require Young Enterprise to delete personal information where Young Enterprise no longer needs to hold it for the purpose for which it was obtained (or for compatible purposes). These privacy requirements must be balanced against a number of other legal and regulatory requirements which establish minimum retention periods for certain types of records.

Where the law prescribes specific retention periods for specific types of records, the obligation to retain the record will prevail over any deletion obligations contained in data protection and privacy law.

This Policy should be read alongside the Young Enterprise Retention Schedule at **Appendix A** which sets out the records retention periods for specific named records



held by Young Enterprise.

## **2. Who needs to comply with this policy?**

This policy applies to all of Young Enterprise's records. All staff are required to understand their records retention obligations under this policy. Questions concerning this policy should be directed to a member of YE's Senior Leadership Group detailed in Appendix B who can be contacted as outlined in Appendix B.

All staff are reminded that they must take steps to keep Young Enterprise data secure at all times, in line with YE's Data Protection Policy.

A failure to comply with this Policy and Young Enterprise's Records Retention Schedule is a serious matter and staff should take note that such a failure could lead to disciplinary action.

## **3. Definitions**

A **Record**: For the purposes of this Policy, a record is defined as information that is created, transmitted or received in the course of business/the pursuit of Young Enterprise's charitable objectives, regardless of physical or electronic format or media, and must be retained for a specific period of time because the information:

- serves as necessary documentation of an action, decision or statement;
- has critical business/organisational value; or
- must be kept for legal, accounting or other regulatory requirements.

Records may include confidential commercial information or personal information.



All other organisational information is considered “disposable” and may be safely deleted or destroyed in an appropriate manner after it has served its useful purpose. Duplicates of originals that have not been annotated or edited are disposable.

**Litigation Hold:** In certain circumstances a member of the Senior Leadership Group will send an internal communication to indicate that records are subject to a Litigation Hold. This may be the case where Records are potentially relevant for pending or reasonably anticipated litigation, regulatory audits or investigations. Information that is subject to a Litigation Hold must be retained and should not be destroyed, regardless of whether it is a Record or information that is otherwise disposable, even if it no longer serves another useful purpose and it has come to the end of its retention period.

**Record Retention Schedule:** A record retention schedule is a reflection of the time period Young Enterprise must keep its Records, based on legal; regulatory; fiscal; operational and historical; as well as other business/organisational and operations-related requirements. After reaching the required time period for retention, these Records should be deleted or destroyed in an appropriate manner.

**Record Custodian:** A Record Custodian is the staff member responsible for the retention and disposal of a particular type of Record in the ordinary course of business. A Record will be an original or master copy of information, unless it has been annotated or edited. There must only be a single Record Custodian for each individual Record, as all other copies of the same Record will be duplicate copies and therefore ‘disposable’ under this Policy.

**Record Class:** A Record Class is a categorized set of Records that are grouped together due to their common subject matter, such as Employment Contracts; Identification Documents, and Identification Documents of foreign nationals.



#### **4. Principles**

Young Enterprise will designate one of its staff as the Administrator of the Policy, including the Records Retention Schedule. The Administrator is responsible for this Policy, including making modifications to the Records Retention Schedule from time to time to ensure compliance with applicable laws, regulations, rules, contractual obligations or other duties, and coverage of Records subject to this Policy. The current Administrator is Sharon Davies Deputy CEO, who is YE's primary contact for Data Protection related issues.

The Principles of this Records Retention Policy are:

- a Record must be retained for the minimum period indicated in the Records Retention Schedule;
- at the expiration of the minimum time period indicated in the Records Retention Schedule, a Record should be deleted or destroyed in a secure and appropriate manner, unless the Records Retention Schedule indicates it may be continue to be retained for a longer period. In such event, where there is a continuing business/organisational need to retain the Record, it may be retained for up to the maximum period specified in the Records Retention Schedule;
- Record deletion may be achieved, for example, by the relevant Record Custodian deleting the Record; through automated IT processes that flag out-of-date Records for scheduled deletion; or through any other means that will achieve effective and timely deletion of the Record within a reasonable period following its required deletion in accordance with this Policy;
- the retention periods specified in the Record Retention Schedule shall apply to Records with effect from the date of their creation or, if/when Records are



amended, from the date of last amendment.

- information about the constitution, structure and operation of YE which is considered 'disposable' may be retained for as long as it serves a useful purpose. Be aware that holding information for longer than is necessary has storage cost implications and can increase the risk to the organisation;
- Information about the charity which is of historical significance or archival value may be kept indefinitely, even if it has outlived its useful purpose, unless required otherwise by applicable laws (for example, data protection laws); and
- reference materials obtained from sources outside of Young Enterprise, such as articles and textbooks, may be kept indefinitely, if they still have a useful purpose.

## **5. Administrator Responsibilities**

The Administrator will conduct regular reviews of the Record Retention Schedule to ensure it meets all legal and business requirements.

The Administrator must consider any requests that are made by Record Custodians and staff (e.g., for updating any Record Class(es) Young Enterprise adopts) and respond appropriately (where necessary, having consulted with YE's Legal Advisers).

## **6. Staff Responsibilities**

All staff are required to manage Records and information consistent with this Policy, the Record Retention Schedule(s) and any Litigation Hold communications. Staff who become aware that Records have been retained beyond the periods specified in the Record Retention Schedule should bring this to the attention of the relevant Record Custodian at the earliest opportunity.



All staff are required to undergo staff training on retention of Records and are responsible for keeping their training up-to-date.

## **7. Record Custodian Responsibilities**

Staff who are Record Custodians must maintain knowledge of the specific retention requirements for their function, operational area or region. Record Custodians must ensure that relevant Records are retained for an appropriate time as outlined by the Record Retention Schedule and dispose of Records in a timely and effective manner once they are no longer subject to a retention obligation. Record Custodians should be available to provide reasonable assistance to staff to help them comply with their obligations under this Policy.

Record Custodians must liaise with the Administrator if:

- they want to create a new Record Class or discontinue an existing Record Class;
- they want to rename an existing Record Class, divided a Record Class into multiple Record Classes or combine one Record Class with another Record Class; or
- operational or legal concerns require reconsideration of the retention period for a Records Class.

If a Record Custodian considers that a longer retention period is required for a particular Record, they will contact the Administrator setting out the reason why a longer retention period is justified.

## **8. Records Storage and Data Backup**

Young Enterprise servers shall be backed up regularly for disaster recovery purposes only. Backups shall be retained following backup retention schedules for no longer than



a year, at which time backups shall be deleted and the backup media may be overwritten or destroyed, unless subject to a Litigation Hold (see below Litigation Hold).

For the purpose of complying with the Data Retention Schedule, electronic Records must be maintained on systems supported or approved by Young Enterprise. Home computers or other personal devices such as disks, drives or smart phones are not an acceptable means for maintaining Records.

Where Records are kept on-site they must be properly stored (e.g., physical copies in lockable filing cabinets, although some key documents should be kept in more secure storage).

## **9. Litigation Holds**

Periodically, Young Enterprise may be required to announce a Litigation Hold notice requiring preservation of Records and information by certain staff. Staff subject to a Litigation Hold shall:

- acknowledge receipt of the Litigation Hold notice as advised by YE's Legal Advisers.;
- immediately suspend any scheduled destruction of Records and retain Records and information according to the instructions in the Litigation Hold notice;
- contact YE's Legal Advisers with any questions or concerns relating to the Litigation Hold; and
- not dispose of such Records or information until notified by YE's Legal Advisers that the Litigation Hold has been lifted.



A Litigation Hold takes precedence over any Record retention policies or practices that would otherwise require or permit the staff member to destroy, discard, delete, modify, or remove Records and other information.

## **10. Secure deletion/destruction**

Duplicate, draft and transitory (i.e. routine administrative communications) Records should be destroyed when they are no longer useful or required for business or legal purposes subject to any Litigation Holds.

Records should be destroyed in a way that completely obliterates their content and renders the Records unreadable and unusable. For instance, hardcopy Records should be cross-cut, shredded, incinerated or pulped. Electronic media should be securely overwritten or physically destroyed so that Records cannot be reconstructed. Where Records are to be destroyed, the destruction process must cover all instances where the Records may reside, including database servers, mainframes, transfer directories, bulk data copy directories used to transfer between servers, storage area network, as well as paper copies of the Records.

If a commercial provider for the destruction of Records is engaged, it is important that the contract with the commercial provider is reviewed by YE's Legal Advisers. The contract must include suitable provisions requiring the provider to:

- use a destruction method that completely obliterates the contents of Records and renders the Records unreadable and unusable;
- limit the amount of time between pickup of Records from Young Enterprise and destruction;





- allow Young Enterprise representatives (or any independent third party appointed by Young Enterprise) the opportunity to observe and audit all stages of the destruction process;
- protect the Records while in its possession;
- promptly report any breaches of security or other incidents which would, in any way, affect the Records held pending destruction at the provider's facility;
- only act upon the instructions of Young Enterprise with respect to Young Enterprise Records held pending destruction;
- demonstrate safeguards for confidential information at all stages in the destruction process, and assume full liability for any confidentiality breaches while Young Enterprise Records are in the provider's custody; and
- provide acceptable proof of destruction of Records.

## **11. Compliance questions**

Staff are responsible for fully understanding and maintaining compliance with this Policy. Any questions or concerns about this Policy or Record Retention Schedule should be directed to a member of the Senior Leadership Group, the contact details for whom are listed in Appendix B.



## **12. Reminders and Updates**

Periodically, staff may receive a reminder of this Policy via email. Staff may also receive updates to this Policy, a description of supporting procedures, as well as information related to the Record Retention Schedule. **Unless specifically indicated, revisions to the Record Retention Schedule apply to all existing Records.** Training will be provided as applicable. Young Enterprise may change or edit this Policy at any time without prior notice. Changes will be communicated and notices sent to appropriate members of the senior leadership team for distribution to all staff.



## Appendix A – Retention Schedule

HR/EMPLOYMENT/PENSION RECORD CLASSES	Retention Period
Employment contract	D + 0-6 y
Identification documents of foreign nationals	D + 0-2 y
Business data and documents concerning pension schemes and related subjects	D + 0-6 y
Pension plans and schemes, career and talent development programmes, diversity programmes, other HR policies (e.g., alcohol and drugs policy, HIV/AIDS policy, personnel handbook), social planning/company social activities	D + 0-6 y
Data of rejected job applicants (e.g., application letters, CVs, references, certificates of good conduct, job interview notes, assessment and psychological test results)	D + 0-6 m
Data concerning a temporary worker	D + 0-6 y
Reports on employee performance review meetings and assessment interviews (e.g., evaluations, employment application forms of successful applicants, copies of academic and other training received, employment contracts and their amendments, correspondence concerning appointment, appraisals, promotions and demotions, agreements concerning activities in relation to the works council, references and sick leave records)	D + 0-6 y
Copies of identification document	D + 2-6 y
Expats records and other records relating to foreign employees (e.g., visa, work permit)	D + 2-6 y
Data concerning pension and early retirement	D + 0-6 y

**KEY X:** Retention prohibited. D: Duration of the contract or permit. S: Seek guidance from the Administrator of this Policy. FYC: Financial Year of Correspondence



MEDICAL/SAFETY RECORD CLAS	Retention Period
Medical (occupational health & safety company doctor) files; medical documents in cases of a medical treatment contract	S
Necessary data for emergency medical care, individual reintegration plans, individual treatment agreements, degree of incapacity for work, required workplace adaptations	D + 0-6 y
PAYROLL AND SALARY RECORD CLASSES	
Administration of salaries including tax-exempt reimbursements. Employer information provided to an employee on an annual basis evidencing total amount of salary earned, wage withholding tax, and social security withheld.	D + 3-6 y
Employee details for Young Enterprise's business administration purposes including employee's name, date of birth, tax registration number and address. In addition, requests from employees to apply a wage withholding tax discount must be retained in the company's administration.	D + 0-6 y
Payroll records (wages, tax and social security records, payslips, overtime compensation, bonuses, expenses, benefits in kind)	D + 3-6 y
INSURANCE RECORD CLASSES	
Insurance Policies	S
OTHER RECORD CLASSES	
Correspondence	Financial Year of Correspondence + 0-6 y
Personal data of employees in network systems, computer systems, communication equipment used by employees, access controls and other internal management/administration	D + 0-6 y



Personal data of teachers	Academic Year of Collection + 2y
Personal Data (none *safeguarding related) data of young people who have taken part in our programmes	Deleted at end of academic year of programme engagement
Personal Data of Volunteers * (Safeguarding related information kept for D+ 10 years)	End of Programme + 2Y
Donors	Financial Year of Donation + 3 years
Business Contacts * (the default is date of collection plus 2 years, but if there is an active and ongoing relationship between YE and the business contact, the business contact information will be held for the duration of the active relationship and deleted within 2 years of the relationship ending).	Date of Collection +2 Y
Criminal records check for staff/volunteers	D+ 3Months
*Safeguarding information of young people who have taken part in YE Programmes	End of Programme + 7 years

**KEY D:** Duration of the contract or permit. **S:** Seek guidance from the Administrator of this Policy.



## Appendix B YE's Senior Leadership Group

Name	Role	Email Address	Mobile
Michael Mercieca	CEO	<a href="mailto:mm@y-e.org.uk">mm@y-e.org.uk</a>	07711419015
Sharon Davies	Deputy CEO	<a href="mailto:sharon.davies@y-e.org.uk">sharon.davies@y-e.org.uk</a>	07841880 975
Roy Howard	Operations Director	<a href="mailto:roy.howard@y-e.org.uk">roy.howard@y-e.org.uk</a>	07739071038
Anita O Hara	Director of Corporate Partnerships	<a href="mailto:Anita.ohara@y-e.org.uk">Anita.ohara@y-e.org.uk</a>	07787257193
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