



# Management of HR Information & Records Policy

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The CCG is committed to an environment that promotes equality, embraces diversity and respects human rights both within our workforce and in service delivery. This document should be implemented with due regard to this commitment.

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Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

## Version Control Sheet

Version	Date	Reviewed By	Comment
Draft v0.1	12/2/14	CCG Executive	
Final v1.0			

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## **1. POLICY STATEMENT**

- 1.1 Human Resource records cover a wide range of personal and organisational documents and data which are typically stored as computer or paper files.
- 1.2 It is important that the CCG has effective systems for the collection, access, storage and destruction of this information to ensure it remains compliant with all relevant legislation and to support sound and effective HR practice and administration.
- 1.3 The guidance and practice contained in this document applies to all staff at all times and failure to follow it may result in disciplinary action.

## **2. PRINCIPLES**

- 2.1 Employee records are an essential resource in order for the CCG to demonstrate:
  - Compliance with statutory and regulatory standards in all stages of employment;
  - Compliance with statutory responsibilities in checking an individuals eligibility to work in the UK;
  - Audit trails to provide assurance of currency of professional registration;
  - Accuracy and currency of data held in relation to individual employees:
  - Compliance with statutory requirements and best practice in:
    - Recruitment and selection
    - Equality
    - Health and safety
    - Management of workplace disputes
    - Management of capability / discipline / conduct
    - Training provision / CPD
    - Equal Pay
    - Data Protection Act

In each of these areas the information collected (including that collected at interview) must be relevant and not excessive and respect the employees' right to a private life;

Information (including that collected at interview) must be recorded accurately and only be kept for as long as is necessary;

The employee must be aware of the reasons for the information being collected and any information collected 'covertly' about the employee, for whatever purpose, is likely to breach the Data Protection Act (DPA).

## **3. SCOPE**

- 3.1 This document encompasses all files and records that include personal data relating to individual employees and may include;

Personal files created at the point of appointment;

Incident and issues “Case files” for example:

- Misconduct
- Sickness absence
- Performance / capability issues
- Individual grievances / disputes

Health and safety records, including compliance with Working Time Directive;

Training records including statutory continuous professional development.

#### **4. THE DATA PROTECTION ACT**

- 4.1 The Data Protection Act 1998 (DPA) applies to information about living, identifiable people and so most HR records would fall under this Act regardless of the media used for information storage.
- 4.2 Where files and records are held on an individual employee, the CCG must ensure that information and data relating to that employee is handled and used in compliance with the Data Protection Act.
- 4.3 Guidance on the eight key principles of the DPA can be found in **Appendix 2**.
- 4.4 In addition to the DPA there is a substantial amount of EU and UK legislation relating to the retention and destruction of personal information and related records. Some of the other key Acts, Statutory Instruments and Directives are listed in **Appendix 5**.

#### **5. RESPONSIBILITIES**

- 5.1 The Information Commission identifies in its guidance four key areas of HR record keeping and practice, they are:

Recruitment and Selection  
Employment Record  
Monitoring at Work  
Information about Workers Health

- 5.2 Full details for each of these areas are available via the link to the Information Commission web site found in **Appendix 5**.
- 5.3 **HR Service Provider**
- 5.4 The HR Service Provider has responsibility for maintaining the HR information shown in **Appendix 3**

## 5.5 Line Managers

5.6 In addition to supporting the HR Service Provider to maintain and update their information the Line Manager also has specific responsibility for the following day to day information gathering, recording and monitoring. Shown ion **Appendix 4**.

## 5.7 Individual Employees

5.8 All employees must ensure that any changes in their personal circumstances or personal information are notified without delay to their manager to ensure currency and accuracy of data is maintained at all times.

## 6. SECURITY OF INFORMATION

6.1 All staff and managers have a duty of care when handling and using personal data. Information held on individuals must not be passed to any person or body with no legitimate interest in it.

6.2 Data must at all times be kept secure. Storage must be provided for paper documents which is lockable. Electronic files must be password protected files or stored on drives accessible only to authorised personnel.

6.3 All staff identified as having legitimate access to records must receive training in Data Protection legislation and associated aspects of records management.

6.4 All HR records have a unique identifier in their employee number. The use and access to electronic files are controlled and monitored by the IT system. If a paper record leaves the secure storage a tracker document should be completed identifying;

File title

Employee number

Identity of receiving department/ officer

Date of transfer

Date of scheduled return

6.5 Under no circumstances should files /records be allowed off-site or outside the CCG without written authority of a Departmental Manager. Such files must be transported in sealed envelopes marked 'Strictly Private and Confidential'.

6.6 Confidentiality must be maintained at all times. Personal information must not be released without the employees express knowledge and consent unless there is overriding public interest.

## 7. DESTRUCTION OF DOCUMENTS

7.1 As the data controller you have a duty to comply with the requirements of the DPA and other relevant legislation, including the requirement to only retain information for as long as it is required and to then ensure that information is disposed of in a safe and appropriate way.

- 7.2 HR documents may be required for a number of reasons, one being Employment Tribunal or other legal action where there is an expectation that the original documents are available. It is therefore vital that documents are properly stored throughout their 'life' and are not lost or damaged by storage in damp conditions or when computer equipment is upgraded.
- 7.3 Where information is deliberately destroyed in line with this guidance an accurate record must be kept of the reasons why, when and how this was done. The employer may be required to provide a 'statement of truth' for any legal action and failure to provide a full explanation of why the original documents are no longer available may injure the employers' case.
- 7.4 The CCG contracts with a specialist services for the long-term 'off site' archiving of documents and the disposal of confidential waste and where possible these services should always be used.
- 7.5 If you are unsure if a document falls into a particular group further guidance can be sought from the CCGs Information Officer / Caldecott Guardian or via the links in **Appendix 5**.
- 7.6 Guidance on typical Human Resources documents, the period for which they should be retained and how they should be disposed of is given in **Appendix 1**. This is not a definitive list and the retention or destruction of an individual document, if not listed, should be done with consideration of the principles of the Data Protection Act (**see Appendix 2**).

## **8. EQUALITY STATEMENT**

- 8.1** In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. **An equality analysis has been carried out on this policy and can be viewed XXX insert location in CCG.**

## **9. MONITORING AND REVIEW**

- 9.1 The policy and procedure will be reviewed every 3 years by the CCG in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 9.2 The implementation of this policy will be audited annually by the CCG **XXXXX** (insert name of group/committee).

**Appendix 1. Destruction of Documents** This table is based on guidance from the CIPD and NHS Records Management. It does not attempt to list all documents but to give examples of typical groups of documents found in HR.

TYPE OF RECORD	MINIMUM PERIOD	DERIVATION	FINAL ACTION
<b>1. Recruitment</b>			
Consultants (records relating to recruitment)	5 years	NHS (Appointment of Consultants) Regulations, good practice guidelines.	Destroy as confidential waste
CVs for non-executive directors (successful applicants)	5 years following term of office		Destroy as confidential waste
CVs for non-executive directors (unsuccessful applicants)	2 years		Destroy as confidential waste
Duty rosters i.e. organisation or departmental rosters (not held in individuals records)	4 years after the year to which they relate		Destroy as confidential waste
Industrial relations (not routine staff matters), including industrial tribunals	10 years		Destroy as confidential waste
Job advertisements	1 year		Destroy
Job applications (successful)	3 years following termination of employment		Destroy as confidential waste
Job applications (unsuccessful)	1 year		Destroy as confidential waste
Job descriptions	3 years		Destroy as confidential waste

TYPE OF RECORD	MINIMUM PERIOD	DERIVATION	FINAL ACTION
<b>2. Employment Records</b>			
<p>Leavers' dossiers/Personnel File /Human Resources records, e.g. Letters of appointment, contracts, references and related correspondence, registration authority forms, training records, equal opportunity monitoring forms.</p>	<p>Full file for 6 years after employee has left.</p> <p>A Summary should then be retained until individual's 70th birthday or for 6 years if the employee was aged 70 or over when their employment ended.</p> <p>The summary should contain everything except attendance books, annual leave records, duty rosters, clock cards, timesheets, study leave applications, training plans</p>	<p>The 6 year retention period takes into account potential ET and EL claims after the employee leaves employment and requests for information from the NHS pension's agency etc. ET and EL claims can include periods in excess of 6 years so it is appropriate to retain as much as possible from the original file.</p>	<p>Destroy as confidential waste</p>

TYPE OF RECORD	MINIMUM PERIOD	DERIVATION	FINAL ACTION
<b>3. Monitoring at Work</b>			
Human Resources records, e.g. attendance books, annual leave records, duty rosters held in the individual's record (not the organisation or departmental rosters), clock cards, timesheets relating to individual staff members.	2 years after the year to which they relate		Destroy as confidential waste
Pension Forms (all)	7 years		Destroy as confidential waste
Staff car parking permits	3 years		Destroy as confidential waste
Study leave applications	5 years		Destroy as confidential waste
Training plans	2 years		Destroy as confidential waste

TYPE OF RECORD	MINIMUM PERIOD	DERIVATION	FINAL ACTION
<b>4. Workers Health</b>			
Accident books, accident records or reports	3 years from the date of the last entry (or if the accident involved a child or young person until they are 21)	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)	Destroy as confidential waste
Statutory Maternity pay records. Including Mat B1 and other evidence	3 years after the end of the tax year in which the maternity period extends.	The Statutory maternity pay (General) Regulations 1988	Destroy as confidential waste
Redundancy details, calculations, notification to Secretary of State	6 years from date of redundancy (EDT)		Destroy as confidential waste

## Appendix 2

**The 8 key principles of Data Protection Act 1998 (DPA) are;**

- 1. Information must be processed fairly and lawfully** - You must gain permission to use any collected data and let the individuals know exactly what it will be used for.
- 2. Information collected must be processed for limited purposes** - Only use the data that you have collected for the reasons you gave. If you wish to use this information outside of that original purpose you need to gain further permission from the individual.
- 3. Information collected must be adequate, relevant and not excessive** - Collect only the data you need to know and not anything additional that may just be 'useful to know' in the future.
- 4. Information collected must be accurate and up to date** - Make sure your data is true. If any suspicion exists that the information is inaccurate – check with the individual.
- 5. Information must not be held for longer than is necessary** - Only keep hold of old files if really needed or if required to by law.
- 6. Information must be processed in accordance with the individual's rights** - Give the individual access to their data and a say in how it is used.
- 7. Information must be kept secure** - You must ensure that measures exist to keep the personal data you are responsible for secure and out of the wrong hands.
- 8. Information should not be transferred outside the European Economic Area unless adequate levels of protection exist** - Keep your employees informed. Don't store their data in 'grey areas' and don't pass it on to a third party without their specific consent.

### Appendix 3

<b>Recruitment and Selection</b>	
Minimum data set of recruitment documentation for all new employees to include:-	Job Advertisement Application form/CV Job Description Person Specification 2 x References CRB Clearance Offer Letter Statement of Particulars Letter ID Checks
Current and up-to-date personal information and data on employees to include	Home address and contact details Next of kin Ethnicity etc Evidence of current registration/licence etc (as appropriate) Relevant qualifications/certificates National Insurance details Eligibility to work in UK Current sanctions, performance measures etc
Case files to include a full audit trail of all formal stages including	Invitations to meetings Records of meetings Notes of formal hearings Actions taken Appeal records
Job Evaluation	Job Evaluation documents for individual posts as evidence of compliance with the principles of equal pay.

## Appendix 4

<b>Employment Records/Monitoring at Work/ Information about Workers' Health</b>	
<b>Monitoring at Work</b>	Attendance Annual leave records Departmental work/shift rosters identifying shifts worked and time off allowed
<b>Training records</b>	Details of mandatory training attended Records of individual appraisals/performance plans/development plans Courses attended
<b>Information about Workers' Health</b> Departmental records around health and safety at work	Sickness records/return to work procedures Occupational Health Records Accident and Incident report Risk assessments RIDDOR

## **Appendix 5**

### **Source Documents**

This document is based on guidance published by the Chartered Institute of Personnel and Development, The NHS Codes of Practice – Records Management and The Information Commissioner - Employment Practice Codes. Links to these source documents are given below

#### **CIPD**

[www.cipd.co.uk/hr-resources/factsheet/retention-hr-records.aspx](http://www.cipd.co.uk/hr-resources/factsheet/retention-hr-records.aspx)

#### **NHS**

<http://www.connectingforhealth.nhs.uk/systemsandservices/infogov/codes/securitycode.pdf>

#### **Information Commissioner**

[http://ico.org.uk/for\\_organisations/data\\_protection/topic\\_guides/~/\\_media/documents/library/Data\\_Protection/Practical\\_application/quick\\_guide\\_to\\_the\\_employment\\_practices\\_code.ashx](http://ico.org.uk/for_organisations/data_protection/topic_guides/~/_media/documents/library/Data_Protection/Practical_application/quick_guide_to_the_employment_practices_code.ashx)

### **UK Legislation**

- Limitations Act 1980
- Data protection Act 1998
- Freedom of Information Act 2000
- The Regulation of Investigatory Powers Act 2000
- Anti-Terrorism, Crime and Security Act 2001

### **Statutory Instruments**

- Privacy and Electronic Communications (EU Directive) Regulations 2003
- The Regulation of Investigatory Powers (Acquisitions and Disclosure of Communications Data: Code of Practice) Order 2007
- The Data Retention (EU Directive) Regulations 2009

### **Directives**

- Data protection Directive
- Privacy and Electronic Communications Directive

### **Other Useful Sources**

- ACAS – Personal data and record keeping, Advisory Booklet.
- GOV.UK – “Data protection and your business”.
- HM Revenue and Customs for information on retaining pay, pensions and tax records.