

Board of Management Audit & Assurance Committee

Date of Meeting	Thursday 14 March 2024
Paper No.	AAC3-B
Agenda Item	4.2
Subject of Paper	Document and Records Retention Policy
FOISA Status	Disclosable
Primary Contact	Dr Sheila Lodge Depute Principal & Chief Operating Officer
Date of production	19 February 2024
Action	For Approval

1. Recommendations

Audit & Assurance Committee is asked to review and approve the updated policy and its accompanying Equality Impact Assessment (EqIA).

2. Purpose

The purpose of this paper is to seek approval from the Audit & Assurance Committee for the revised documents.

3. Consultation

The Policy has been revised in consultation with colleagues across the College and with Dr Sheila Lodge. It was approved by SMT at its meeting on 31 January 2024, and by the Academic Board at its meeting on 16 February 2024.

4. Key Insights

4.1 The Document & Records Retention Policy must be implemented and operationalised to demonstrate the College's compliance with the storage limitation principle of GDPR. This principle, provided in Article 6 of UK GDPR, requires that personal data is only retained for as long as is necessary to achieve the purpose for which it was collected.

4.2 The Document & Data Retention Policy explains City of Glasgow College's overarching policy for the retention of personal data and its implementation strategy. It should be read in conjunction with the Document and Records Retention Procedure, which has also been updated and was approved by the Academic Board on 16 February 2024. (Procedures are not submitted to the Board for its approval.) In implementing this policy, there is an implicit expectation that Departments and Faculties have completed Registers of Processing Activity (ROPA) that set out the personal data collected across the entirety of business activities.

4.3 The Document & Records Retention Procedure provides a retention period for documents and records containing personal and special category data processed by the College. It outlines maximum retention periods applicable to the College's personal data. These retention periods have been updated in consultation with colleagues within named departments where a review was required. Some retention periods may be prescribed by statute and some retention periods may be determined by the College on the basis of business need, taking into consideration the impact of data retention on the data protection rights of individuals.

4.4 The documents should be revised at least every 2-years. This review was carried out in accordance with that cycle. Updates were made to amend out of date EU GDPR terminology which is replaced with language that aligns with UK GDPR. Both documents were updated to simplify the language and improve the flow to assist with colleagues' understanding so the terms can be put in to practice. As previously mentioned, the retention schedule tables were updated as some entries were identified as being out of date.

5. Impact and Implications

5.1 The College is required to demonstrate compliance with records retention requirements and the storage limitation principle of GDPR. Failure to do so may result in the College processing excessive personal data, which creates data management challenges and, if compromised, makes the impact of any data breach greater. The review of retention practices with departments and faculties during the compilation of ROPAs indicated that most business areas are unclear of their obligations in relation to retention and that there is no consistent operational process for deleting personal data when it reaches the end of its retention period. The revision of the documents is intended to make obligations clearer and the DPO will work with colleagues to raise awareness of retention and provide advice and guidance.

6. Next Steps

6.1 The DPO asks the Audit & Assurance Committee Board to support the implementation and 'relaunch' of these documents, to assist in furthering improvements to the College's data protection compliance framework. The DPO proposes that the documents will be communicated to Deans and Department Heads to circulate to team members. The DPO will undertake a further review and assessment of retention and wider data protection compliance requirements with ROPA owners by 30 June 2024.

Appendices

- 1. Document and Records Retention Policy**
- 2. Equalities Impact Assessment**



Document and Records Retention Policy

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Charity Number: SCO 36198

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Document and Records Retention Policy

1. Introduction

This document sets out City of Glasgow College's over-arching policy for the retention of personal data and its implementation strategy. This policy should be read in conjunction with the Document and Records Retention Procedure and outlines maximum retention periods applicable to the College's personal data.

The approaches set out in this policy are derived from the requirements of the UK GDPR.

In implementing this policy, there is an implicit expectation that Departments and Faculties have completed Registers of Processing Activity (ROPA) that set out the personal data collected across the entirety of business activities. The ROPA should also detail the basis for collecting/retaining the personal data; the systems and network drives on which the data is held; and the external parties with which the data is shared. Once established, the retention period and basis for retention of each type of personal data should also be recorded on the ROPA. Any defect in the integrity of a register will inhibit the ability to meet the requirements of this policy. If you are unsure whether your business area has and is maintaining a ROPA, please contact dpo@cityofglasgowcollege.ac.uk.

For the avoidance of doubt, this policy relates solely to personal data retention. Separate policies are maintained for the retention of other types of record (such as those relating to financial accounting, corporate taxation, and conduct risk management).

2. Purpose and Aims

This policy provides a consistent approach to retention and archiving of City of Glasgow College key business documents and records.

Note - All College documents or records will be retained in electronic form unless it is necessary to retain a hard copy.

3. Scope

The scope of City of Glasgow College documents covered is contained within the *Document and Records Retention Procedure*, see *Quality Management System*.

4. Policy Statement

The College will retain a document in line with the following 4 principles:

- We will only retain personal data where we have a lawful purpose for its retention;
- We will seek to delete data where we are satisfied that the lawful purpose has lapsed;
- Where we can identify criteria against which personal data may be systematically deleted, we will seek to apply automated processes to remove the data from our systems; and
- Where we cannot delete data falling outside our lawful purpose criteria, we will seek to obfuscate the data such that personal elements of the data are not readable.

All College documents or records will be retained in electronic form unless there is a statutory requirement to keep hard copies.

5. Responsibilities

Each Department and Faculty is responsible for ensuring that clear personal data retention criteria are set for all the personal data processed within their business activities. Department Directors and Faculty Deans are responsible for ensuring that retention periods are reviewed and updated as necessary. The retention periods and their justification should be documented on the ROPA.

Where a Department no longer has a lawful purpose to retain personal data, actions should be taken to delete it or remove those attributes from the data that enable its attribution to a living individual (Obfuscation).

Departments and Faculties are responsible for determining whether to delete or obfuscate data, and for choosing the tools that they will deploy to ensure compliance with the principles set out above. Department Directors and Faculty Deans are responsible for ensuring that deletion or obfuscation is completed as necessary. You may seek advice from dpo@cityofglasgowcollege.ac.uk prior to deleting personal data.

6. Data Retention Implementation Strategy

The ICO recognises that the systematic deletion of data presents a significant challenge for organisations. Our current understanding is that the ICO will expect organisations to have clear plans as to how they will address the issue, and appropriate compensating controls to protect data from inappropriate access or loss, including the use of data encryption.

Unstructured data presents specific problems for the systematic deletion of data. All unstructured data should be kept in a central location so it can be easily located and disposed of at the end of the retention period.

7. Process for Handling Exceptions to this Policy

Exception to the policy must be formally agreed by City of Glasgow College's Data Protection Officer. Please contact dpo@cityofglasgowcollege.ac.uk .

8. References

8.1. Policy Framework

Associated Policies and Procedures	Title
Document Retention	Document and Record Retention Procedure

8.2. External References

Source	Title
Statute	Data Protection Act 2018
Statute	Freedom of Information (Scotland) 2002
UK GDPR (EU Regulation (Retained))	General Data Protection Regulation 2016/679

9. Document Control and Review

Approval Status		
Approved by	Audit Committed	
Date Approved		
EQIA Status	EQIA Conducted?	Yes:
Proposed Review Date	September 2026	
Lead Department	Executive Office	
Lead Officer(s)	Depute Principal & COO, Sheila Lodge	
Board Committee	Audit & Assurance Committee	
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10. Revision Log

Version Date	Section of Document	Description of Revision
Version 2 – 20 February 2024	All	Revision of whole document to comply with current regulations

Equality Impact Assessment (EQIA)

The General Equality Duty and protected characteristics are detailed at the end of this form.
Refer to the EQIA Guidance Document for more Information on how to complete this form.

Title of Policy, Procedure, or Relevant Practice:	Data Protection Policy	
Lead Officer:	Dr Sheila Lodge	
Type of Policy, Procedure, or Relevant Practice:	Data Protection	New
Date of Assessment:	19 February 2024	

Step1: Outcomes and Potential Impacts

1A. What are the intended consequences (outcomes) of the policy, procedure or relevant practice?

The Data Protection Policy/Procedures must be in place to enable the College to demonstrate accountability with its Data Protection obligations. The policy applies to the processing of any personal data by the College and it is the overarching policy document for data protection. It provide all colleagues that process personal data with guidance and information about their obligations when processing personal data while discharging their duties as employees of the College.

1B. Could this policy, procedure or relevant practice potentially result in differential impact on groups with protected characteristics?

No

Step 2: Consideration of Evidence and Information

2A. What information do you plan to use as the basis of this EQIA?

(What information is available and if information is lacking, how will you address this shortfall?)

N/A

2B. Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

(What does the information indicate about potential positive, neutral and negative impacts on people who share protected characteristics? Are the needs of people with different characteristics met? Does the policy, procedure, or relevant practice affect some groups differently?)

Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Age	N/A

2B. cont'd

Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Disability	N/A

Gender Reassignment	N/A
2B. cont'd	
Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Marriage & Civil P'ship *	N/A

Pregnancy & Maternity	N/A
2B. cont'd	
Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Race	N/A

Religion or Belief	N/A
2B. cont'd	
Protected Characteristic	Detail the Potential Positive, Neutral, or Negative Impacts with Reference to Evidence, or Information
Sex	N/A

Sexual Orientation	N/A

Step 3: Consider Alternatives and Mitigation

3A. Are you able to reduce any potential negative impacts identified above?

Yes: No: N/A: If N/A, go to Step 4

3B. If “Yes”, what arrangements could be implemented to reduce any potential negative impacts identified above?

N/A

3C. If “No”, it may be appropriate if the policy, procedure, or relevant practice affects groups differently where this is a proportionate means of achieving a legitimate aim. If this is the case, please provide explanatory details to objectively justify this decision.

(Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction.)

Step 4: Compliance with General Equality Duty

4A. Does the policy, procedure or relevant practice comply with the three parts of the general duty:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Yes: No: For 4B- 4D, please detail relevant groups who share a protected characteristic and refer to evidence/information

4B. If “Yes”, how?

4C. If “No”, what are the negative impacts and the associated risks?

4D. If “No”, What arrangements exist, or could be implemented to better comply with the general duty?

Step 5. The Involvement of Individuals, Groups and Organisations Representing Protected Characteristics

5A. Who has been involved in the undertaking of this assessment? (Please detail the staff/student/stakeholder groups)

N/A

5B. How successful has this been, and what changes can be made to improve this process in the future?

N/A

5C. If you have further involvement to carry out, please list who you are going to involve and how?

N/A

Step 6: Making a decision and outcome

6A. What is your decision? (Please select an option from the drop down menu options using the arrow on the right)

A. A positive impact is explicitly intended and very likely.

- B. A negative impact is not foreseen, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.
- C. A negative impact is not foreseen. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable.
- D. A negative impact is not foreseen, but positive impact is also unlikely. [X]
- E. A negative impact is probable or certain, since certain groups will be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.
- F. A negative impact is probable or certain for some groups but the policy as a whole can nevertheless be justified as a **proportionate means of achieving a legitimate aim.**

Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Diversity & Equalities for direction.

6B. Are you able to introduce the policy, procedure, or relevant practice without making any changes?

Yes: No:

6C. If “Yes”, clearly explain upon which basis this decision was made

This is an existing policy which has been in place since 2018. It is updated at least every 2-years.

6D. If “No”, what changes will you make before implementation?

Step 7: Taking action and monitoring

7A. What action will we take?

1. This policy and procedure should be shared with Department and Faculty Heads as a reminder of the obligation to follow the required process and guidance within their business areas.
2. Department and faculty reviews to monitor compliance with this policy and procedure will be undertaken between February 2024 and June 2024.
3. This policy is reviewed annually to ensure it is accurate and up to date.

7B. Who will take that action?

COO and DPO

7C. When will that action be completed?

1. To be agreed with CCO
2. From February 2024

7D. Once implemented, how will the policy, procedure, or relevant practice be monitored?

Annually with updates made on an annually or every 2-years as required.


Miscellaneous

Additional Information (please insert any supporting information, or data here)

Sign-off, authorisation and publishing

For College records, but not for publishing publicly

- The information contained within this EQIA needs to be confirmed and approved as the completed EQIA will be published on the College web-site.
- As such, EQIAs must be approved by a Director or above.
- Ask a Director to review and sign off the EQIA (an electronic signature will suffice, as long as a paper copy follows).
- Following completion, send an electronic copy to both the Diversity & Equalities Manager and Director of Planning and Administration.

Name:	Dr Sheila Lodge
Position:	Depute Principal & Chief Operating Officer
Signature:	
Date:	20 February 2024

Summary of the General Duty of the Equality Act 2010

Components	Due Regard
A public authority must, in the exercise of its functions, <i>have due regard</i> to the need to:	Having due regard specifically involves taking steps to:
a)	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act.
b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.	a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic * b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.	a) Tackle prejudice. b) Promote understanding.

‘Due regard’ comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. In short, the more relevant a function is to equality, then the greater the regard that should be paid.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership *
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

* Although Marriage and Civil Partnership applies to section a) in employment only, this will be considered for all stakeholders