



Scottish Government
Riaghaltas na h-Alba
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safeguarders
panel

DATA RETENTION POLICY

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1. Key Principles

- 1.1 Children 1st are contracted to manage and administer the Safeguarders Panel on behalf of Ministers and the responsibility for this work lies with the Safeguarders Panel Team. All information and data gathered and retained in the operation of this service will remain the property of the Scottish Ministers.
- 1.2 In terms of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 the 'personal data' that is 'processed' by the above service on behalf of Scottish Ministers is in relation to:
 - a) Applications received from successful and therefore current Safeguarders
 - b) Applications received from unsuccessful and therefore not current Safeguarders (these are destroyed within appropriate timescales once recruitment decision communicated to unsuccessful applicant)
 - c) Notes of interest from individual persons received when there is no 'live' appointment process taking place but who have requested that the Safeguarders Panel Team accept and retain their details so that the individual person can receive information about subsequent appointment processes
 - d) Complaints against Safeguarders
 - e) Financial transactions (expenses) relating to Safeguarders' activities and audit thereof
 - f) Allocation activity; acceptance or decline of cases
 - g) Attendance at training events or activities
 - h) Performance generally but not in relation to complaints
 - i) Second and subsequent re-appointments to the Safeguarders Panel
 - j) Information relating to resignation and resignation process
 - k) Safeguarders' personal contact information
- 1.3 Any personal data about Safeguarders that the Safeguarders Panel Team processes will be processed in accordance with the GDPR on the 'lawful basis' of 'consent' and, in some cases, 'contractual obligation'. There are three exceptions where the lawful basis of consent that normally will apply, will not apply:
 - complaints against Safeguarders
 - audits of Safeguarders
 - external processes to which the Safeguarders Panel Team becomes subject but which are beyond its control and which necessitate the processing of personal data (e.g. a child protection concern, a police investigation)
- 1.4 In these three processes Children's Hearing case data concerning data subjects other than the Safeguarder (primarily in the form of Safeguarders' reports), is obtained by the Safeguarders Panel Team from other parties (primarily the Scottish Children's Reporters Administration, SCRA) and is temporarily processed by the Safeguarders Panel Team for the purposes of the conduct and discharge of each process. During that time it is processed

on the lawful bases of 'legal obligation' and/or 'public task'. In the case of complaints and audit such data is destroyed at the end of the process and is not otherwise processed by the Safeguarders Panel Team. In the case of external processes the Safeguarders Panel Team will be obliged to comply with timescales set other than by its own hand (for example by a police investigation) and which it therefore cannot predict or set out here.

- 1.5 In all such circumstances, the Safeguarders Panel Team will inform the individual Safeguarder that their data is being processed in this way. The obligation under the GDPR to inform other categories of persons who comprise data subjects in terms of the data temporarily processed by the Safeguarders Panel Team for the above three purposes is the responsibility of the Safeguarder who has originally processed that data and who is a data controller in their own right under the GDPR and is individually registered with the Information Commissioner's Office (ICO). This responsibility is built into the role and into the guidance given to Safeguarders on GDPR compliance.
- 1.6 The types of personal data about Safeguarders which is processed is as follows: names, addresses, email addresses, phone numbers, dates of birth. PVG registration numbers, bank account details (for the purposes of payment of fees and expenses).
- 1.7 The personal data of the data subjects that is temporarily processed by the Safeguarders Panel Team for the purposes of the three processes noted above is a) as broad as the circumstances of any given case require and b) not stipulated by the Safeguarders Panel Team and so, for both those reasons, cannot be predicted or set out here.
- 1.8 The categories of data subject to whom such personal data relates includes, obviously, Safeguarders who are Ministerial Appointments not employees or volunteers.
- 1.9 The categories also include Individual persons who have requested that the Safeguarders Panel Team accept and retain their details so that the individual person can receive information about subsequent Safeguarder appointment processes.
- 1.10 The categories of data subjects whose personal data is temporarily processed by the Safeguarders Panel Team for the purposes of the three processes noted above is a) as broad as the circumstances of any given case require and b) not stipulated by the Safeguarders Panel Team and so, for both those reasons, cannot be predicted or set out here.

2. Introduction to the Policy and Guidelines

- 2.1 The Safeguarders Panel Team organises and manages information in order to meet its ethical and legal responsibilities and to fulfil its aim of being an open, transparent and accountable service. The policy is underpinned by Children 1st's Records Management Retention and Destruction Policy and Information Management Standards.

- 2.2 This policy identifies actions required to fulfil these responsibilities and with whom they lie and is augmented by a retention schedule for every record type held.

3. Policy and Guidelines

- 3.1 The Safeguarders Panel Team gathers a range of information and maintains records relevant to the continued monitoring and support of the individual in the Safeguarder role. For the purposes of decision making regarding the retention and destruction of these records, they need to be classified as follows:

Active records are those that are in current use – such as those required for the day to day operation of the service. These should be maintained within the service and be easily accessible *to authorised people*. Once a record is no longer active, it should be closed.

Retained records are those which are closed but are being retained for the period determined in the retention schedule. Retained records may need to be easily accessed for reference or other purposes. These records will be maintained electronically within the service and kept separately from active records. .

- 3.2 The Assistant Director of the Safeguarders Panel Team has overall responsibility for the retention and destruction of information.
- 3.3 The Assistant Director must ensure that a comprehensive retention schedule is developed and periodically reviewed, facilitated operationally by the Contract Coordinator. Retention periods for records depend on their purpose and usage and should demonstrate compliance with legislative and best practice developments.
- 3.4 The Safeguarders Panel Team maintains an individual file for every Safeguarder. The information held in this file is safe, secure and proportionate, in accordance with the Data Protection Act 1998.

4. Scottish Ministers' Requirements

The Scottish Ministers have communicated the following requirements in relation to the retention and destruction of Safeguarder records:

- 4.1 **Applications received from successful Safeguarders**
The Safeguarders Panel Team must retain **all records** relevant to the appointment and any subsequent reappointment of a Safeguarder by Scottish Ministers.

Members of the national Safeguarders Panel will sign a consent form or email consent to allow records to be held in line with this policy (Appendix 1).

Applications from successful Safeguarders must be retained for as long as the Safeguarder is a practising Safeguarder.

When the Safeguarder resigns and the resignation process is complete, the status of their record will change to 'retained' and their records will be retained for the period determined in the retention schedule below, usually 20 years.

4.2 Applications received from unsuccessful Safeguarders

Scottish Ministers are content for the Safeguarders Panel Team to decide how to retain the documents from unsuccessful Safeguarder applications which holds the minimal of information that could include the Safeguarder's name and reason for non-appointment. There is no requirement to retain paper records, electronic records would suffice.

The Safeguarders Panel Team should retain this record until the next recruitment exercise is held.

4.3 Notes of Interest in becoming a Safeguarder

Scottish Ministers are content for the Safeguarders Panel Team to retain minimal of information from individuals who wish to note their interest in becoming a Safeguarders. This electronic records will include the individual's name; contact details and expression of interest.

The Safeguarders Panel Team should retain this record until the next recruitment exercise is held.

4.3 Complaints against Safeguarders

Scottish Ministers require Safeguarders Panel Team to retain **all** documents relating to a complaint against a Safeguarder for a period of 20 years from date of resignation or termination of their appointment as a practising Safeguarder. Documents to be retained should include the original complaint, any acknowledgements, interviews with individuals involved in the complaint investigation, determinations and responses and all related correspondence and investigation records.

4.4 Performance Support and Monitoring

It is the Safeguarders Panel Team's duty to recommend the re-appointment of Safeguarders to Scottish Ministers. Records of the support and monitoring of Safeguarders' performance against the Practice Standards will be retained for 20 years after the date of resignation/termination of appointment.

Documents to be retained should include support sessions records, individual development plans, records of attendance at; and, engagement with training, feedback from all sources and all related correspondence.

4.5 Retention of all Safeguarder invoices and receipts

All invoices and receipts should be retained for a period of 6 years from the date of presentation in accordance with Children 1st Finance Guidance.

5. Access to information

- 5.1 In accordance with the Data Protection Act 1998, individual Safeguarder's information held by the Safeguarders Panel Team will be made available to that individual within 40 days upon receipt of a written request. This may attract a fee to cover reasonable photocopying and postage.

- 5.2 Where a disclosure of information to a Safeguarder would lead to the revelation of a third party's identity, in accordance with the Data Protection Act 1998, the Safeguarders Panel Team reserves the right to redact the information in order to protect the third party's identity or to seek their consent to the disclosure of their identity.

Appendix 1: Consent form

Consent Form for Safeguarders

Collection and retention of Safeguarders' personal information

I have read and understand the Data Retention Policy which sets out the requirements of the Safeguarders Panel Team in relation to the collection and retention of my personal information and how I can access my information.

I give my consent to the information being retained in accordance with the Policy.

Signature of Safeguarder

Name of Safeguarder (PRINT):

Date:

Received by Safeguarders Panel Team:

Date:

Appendix 2. List of Documents held by Safeguarders Panel Team

National Safeguarders Panel – Recruitment Documents (Successful)			
Record Type	Retention Period	Archive	Person Responsible
Application Form (stored electronically in Safeguarder file on IIMS)	Retain for -/ 20 years after date of resignation / termination of appointment	No	Admin Diary in generic calendar for future changes
References (stored electronically in Safeguarder file on IIMS)	Retained with application form for duration of time file is held	No	Admin Diary in generic calendar for future changes
PVG (with no comments). PVG number stored electronically in Safeguarder file on IIMS	Number retained in IIMS until next PVG check (every six years) or retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Diary in generic calendar for future changes
PVG (with comments) original form stored securely by HR). PVG number stored electronically in Safeguarder file	Retained until next PVG check (every 6 years) or retain for 5-/ 20 years after date of resignation / termination of appointment.	No	Admin Diary in generic calendar for future changes
Copies of ID documents	Destroyed within 7 days of verification Confirmation of ID checked and kept in a source document	No	Admin
Interview notes	Retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Recruitment lead – diary in generic calendar

ID badges	Destroyed after 6 months of resignation / termination of appointment	No	Admin Recruitment lead – diary in generic calendar
Source Document for successful (Saved in G drive – Recruitment folder)	Destroy historical data at the completion of each new recruitment drive i.e. 2016 / 2017 destroy 2018/2019 (if dates appropriate)	No	Admin Team

National Safeguarders Panel – Recruitment Documents (Unsuccessful)			
Record Type	Retention Period	Archive	Person Responsible
All recruitment data on unsuccessful applicants	Applicant's name and reason for non-appointment recorded in a source document and retained until completion of new recruitment drive. All other information destroyed within one month of interviews completed.	No	Admin Recruitment lead – diary in generic calendar

National Safeguarders Panel – Complaints against Safeguarders			
Record Type	Retention Period	Archive	Person Responsible
All complaint data	Closed 5 years after resignation / termination of appointment Destroyed 15 years after closure	No	Admin Complaints lead – diary in generic calendar

National Safeguarders Panel – Documents relating to Safeguarders fees and expenses

Record Type	Retention Period	Archive	Person Responsible
All invoices and receipts	Destroyed 6 years after the date of presentation	No	Admin Expenses lead – diary in generic calendar
Bank details	Destroyed within one month of Safeguarder resignation / termination of appointment	No	Admin Expenses lead – diary in generic calendar
Exceptional fee data	Destroyed 6 years after the date of presentation	No	Admin Expenses lead – diary in generic calendar
Legal Rep data	Destroyed 6 years after the date of presentation	No	Admin Expenses lead – diary in generic calendar

National Safeguarders Panel – Support and monitoring of Safeguarders

Record Type	Retention Period	Archive	Person Responsible
Support session notes	Retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Resignation lead – diary in generic calendar
Training – engagement and feedback	Retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Resignation lead – diary in generic calendar
Training – Attendance records	Retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Resignation lead – diary in generic calendar

Individual Safeguarder reports	Destroyed within one week of completion of audit	No	Admin Resignation lead – diary in generic calendar
Queries / Duty	Retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Resignation lead – diary in generic calendar
Recommendation for Re-appointment	Retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Resignation lead – diary in generic calendar
Final Re-appointment	Retain for 5-/ 20 years after date of resignation / termination of appointment	No	Admin Resignation lead – diary in generic calendar