**Guidance Document: Staff Records held by Schools and Departments**

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# Background

Staff records consist of a variety of record types that are created at different times and as a result of different circumstances throughout the employment of a member of staff. By their very nature, all staff records contain varying degrees of personal data that need to be managed in accordance with the Data Protection Act.

Human Resources establish the majority of circumstances for when staff records should be created, which are defined in policies and guidance documents that support University procedures and activities. Human Resources keep individual staff files on all members of staff in a secure and access restricted environment.

To facilitate staff administration at local level it is sometimes necessary for Schools and Departments to keep their own staff records; these may be duplicate copies of records held by HR, or new staff records that they create in the course of an activity or process concerning a member of staff.

The purpose of this guidance document is to establish when it is appropriate for staff records to be managed outside of HR, and Payroll, and define the standards and conditions for keeping staff records.

Compliance with this policy will ensure that all staff records held by the University are processed in accordance with the Data Protection Act; duplication of staff records is deliberate rather than uncontrolled; records are held and stored securely to prevent unauthorised access to them, and staff records are kept in line with the HR Retention Schedule.

Staff records are held in a variety of formats both in paper format, electronic or other. The principles listed in this guidance document apply to all staff records regardless of format.

# Staff Files

Human Resources keep staff files for all members of staff at the University. These records are the official employment records for staff and are kept securely by HR for up to 40 years after a member of staff has left the University. The majority of staff files are in paper format and will include:

* Recruitment Records e.g. application forms, CV’s, eligibility documents, medical clearance and DBS checks
* Contractual Records e.g. contracts and changes to contracts
* Employment Documentation e.g. pay review outcomes, signed policies ie maternity
* Case Management Records e.g. disputes, complaints, grievances, disciplinary cases etc

In addition to the HR staff file, many academic schools and some professional departments also keep local staff files whilst that member of staff is employed by them, which will include duplicate records of those held within the HR staff file as well as records that relate only to local administrative and management purposes.

Where local staff files are kept, they should be kept in accordance with the guidelines contained within this guidance document and only for as long as they are needed.

# Data Protection Act

As a Data Controller, the University has an obligation to staff to ensure that their data is being managed appropriately and that we are open and transparent about how we process it.

This means that we are able to:

1. Tell staff how we are processing their data, and who has access to it
2. Use their personal data for specific reasons relating to their employment
3. Keep appropriate records that are not excessive
4. Keep staff records up to date
5. Keep staff records for only as long as it is required
6. Provide staff with access to their staff records
7. Keep staff records securely

All staff who are responsible for staff records should have received appropriate data protection training and understand their obligations under the Data Protection Act.

# Security and Access

Every school and department is responsible for the security of its own records. The following security and access conditions should be followed at all times:

1. Keep paper records under lock and key ie cabinets, drawers, cupboards and storage rooms
2. Keys to secure storage should be locked away from general access
3. Only authorised staff should have access to staff files
4. Access codes:
	1. should not be written down on public display
	2. should not be emailed
	3. should be changed periodically
5. Staff files should never be copied for further local use without legitimate reason
6. Electronic staff records should be stored in restricted access folders
7. Electronic staff records should never be copied onto mobile devices or other portable media unless they are password protected or the devise is encrypted.

# Access to Records

In accordance with the Data Protection Act, every member of staff has a right to access their own personal data held by either Human Resources or by their School or Department to check for accuracy and have any details updated.

 Access to staff records held by Human Resources and/or the School or Department can be made in accordance with the instructions provided on the Human Resources webpages, [Access to Records](http://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/accesstohumanresourcesrecords.aspx).

Staff who want to exercise their right for copies of their personal data held by the University, which would involve more than merely sighting records held in their staff file, should be advised to make a [subject access request](http://www.nottingham.ac.uk/governance/records-and-information-management/data-protection/data-protection.aspx) to the University. The Governance team will ensure that this process is conducted in accordance with the Data Protection Act 1998.

# Roles and Responsibilities

In accordance with the [Records Management Policy](http://www.nottingham.ac.uk/governance/records-and-information-management/policies-and-guidance.aspx) the Head of School or Department has overall responsibility for the records created and maintained in their school or department.

Where local staff files are kept, schools and departments should identify those staff who have legitimate access rights these staff records. Access should never be granted without this prior approval.

# Locally Held Staff Records

Schools and Departments who choose to keep their own staff records for business reasons should be open and transparent with staff about what record types they keep, why they need to keep them, who has access to them and how long they need to keep them. It is recommended that schools and departments who keep their own staff records outside of HR should complete the annex to this guidance document to ensure openness and transparency.

Some units may not require local staff records to be kept. Where this is the case only PDPR records will need to be kept in accordance with this guidance.

# Records Retention

Human Resources hold the official staff record and maintain these records in accordance with the HR Retention Schedule.

Local staff files maintained by schools and departments will need to be managed appropriately and records will need to be periodically reviewed to ensure they are not excessive or kept for longer than is necessary. The retention of staff records kept by schools and departments is determined by their business reason for keeping them, which will be different to the HR reasons for keeping staff records.

Once a member of staff leaves the University, the HR file becomes the official staff record and will be kept for up to 40 years.

Duplicate and other records which have been created by schools for local management purposes should be held for 6 months in case of a dispute and then destroyed.

Where a member of staff leaves one school or department and joins another their local staff file should not be automatically transferred, unless there is a business reason for doing so and the member of staff consents to this transfer. The staff file should be destroyed after 6 months of the staff member leaving that school or department.

# Common Record Types

The following are common record types that a School or Department may consider keeping in staff files. This list is not exhaustive. The School or Department will need to determine if there is a legitimate reason for keeping additional staff records on file, and in doing so ensure that they are being kept in accordance with the principles of the Data Protection Act listed in section 2 of this guidance document.

## PDPR Records

Copies of PDPR meeting records are not held by HR. They are created by members of staff and their reviewing managers for the purposes of assessing an individual’s performance. The following best practice guidelines are recommended to ensure records are accurately held in specified locations:

*(Copies of PDPR records may be held in paper or electronic format, the following principles are applicable to both)*

1. The employee should retain a copy of their own PDPR records for future reference
2. Reviewing Managers should only hold the PDPR records of members of staff for whom they have current reviewing responsibility
3. In principle, reviewing managers hold responsibility for keeping appropriate PDPR records, not employees. Whilst an employee will hold their own copies, the reviewing manager is responsible for keeping the University record and ensuring they are passed to subsequent reviewing managers. Where this is not possible (for example the incoming reviewing manager is not yet in place), the outgoing reviewing manager should arrange for the PDPR records to be appropriately stored in the interim. This may involve keeping them in sealed envelopes and/or sending electronic copies to another designated manager for this period.
4. Once a Reviewing Manager ceases to hold reviewing responsibility for a member of staff they must destroy/delete all copies they hold.
5. It is recommended that the current reporting year plus 3 previous years are kept for continuity purposes by Reviewing Managers. Older records should be destroyed unless there is a legitimate case management reason for keeping these longer
6. It is recommended that PDPR Records should be signed and dated by the employee and the reviewing manager to signify that record as the true and final record for that review period. This is especially true when records are being transferred to a new reviewing manager. This can be achieved via electronic or physical signatures
7. PDPR records for staff who leave the University should be kept for 6 months by their Reviewing Manager before being confidentially destroyed unless there is an ongoing case management reason for keeping these longer.

##  Contractual Records

All records created that relate to the employment contract of a member of staff are held by HR. These include on placement records, application forms, references etc.

Human Resources send copies of staff contracts to schools and departments as part of the checking process for new members of staff. Copies of contractual records may be kept by schools and departments where there is a business reason for doing so. If copies are not required by the school or department they should be confidentially destroyed once the checks have been completed.

## Sickness Records

Details of sickness records are routinely sent to Payroll for the purposes of administering statutory sick pay and maintaining the official sickness records for all members of staff.

In addition local records relating to sickness may be held by the school or department for the purposes of:

* monitoring staff absence due to sickness
* managing implications of staff absence such as hiring temporary staff cover
* ensuring staff are not dismissed unfairly on the grounds of absence
* ensuring reasonable adjustments are made in response to sickness based upon the nature of that case
* keeping a copy sickness records for assurance purposes whilst original is in transit to Payroll

As a guide, sickness records held for these purposes should not be held for longer than the current year plus one unless there is an ongoing business reason for doing so.

Schools and Departments who keep sickness absence records need to be aware that all absence and medical records are regarded as ‘sensitive personal data’, which need to be administered in accordance with the requirements of the Data Protection Act 1998. Where possible, keep sickness records containing details of a worker’s illness or medical condition separate from other less sensitive information, for example a simple record of absence. This can be done by keeping the sickness record in a sealed envelope or in a specially protected computer file. Only allow managers access to health information where they genuinely need it to carry out their job.

## HR Case Management Files

Human Resources keep case management files for employees who are subject to an employment dispute such as a disciplinary, grievance or complaint, or other. Records raised at school level relating to an employment dispute should be forwarded to HR once they have formally taken on the management of whatever case this may be.

## File notes

At times it is prudent for a manager to make a file note about a member of staff which forms a formal record of a meeting, decision or conversation had with that member of staff. Those that relate to performance management or areas of potential dispute should be held as a record. Routine operational emails do not need to be kept. File notes created should be shared with the staff member as a formal record of the meeting before it is placed in their staff file, or kept securely by the manager Files notes should be deleted by the reviewing manager when they no longer hold reviewing responsibility for that member of staff.

## Study Leave Applications

Study Leave is a process conducted and managed at school level. Each School should maintain its own record management process for dealing with each application, ensuring records kept are adequate, relevant and not excessive.

## Role Profile Forms

Role profile forms are created by managers at school and departmental level where they should be retained for future reference. A copy should also be held by HR. Role profile forms do not constitute personal data in their own right, although they will relate to an individual member of staff. Role profile forms should be retained by managers so that they can be updated if there are any significant changes made to a role such as during a restructuring or a re-grading. Any changes to the role profile form should be copied to HR for reference and for the individual’s personal file.

# Review Date

This guidance document will be reviewed annually. The next review date will be August 2016.

# Further Information

Please contact the Governance and Information Compliance Team if you have any questions relating to this guidance document:

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**Annex A Staff Records Local Policy**

**Staff Records held at School/Department of …………………………..**

*(To be adapted locally by each School or Department)*

1. In accordance with this guidance document, the **School/Dept of X** will hold local staff files in addition to those held by Human Resources for the purposes of staff administration. These purposes include:
	1. Absence and sickness monitoring
	2. Managing local administrative school led activities such as staff study leave
	3. Discipline, grievances and other management matters
	4. *Add as appropriate*
2. The **School/Dept of X** will keep these records in accordance with the Data Protection Act 1998, and in accordance with the principles listed in this guidance document.
3. The **School/Dept of X** will ensure that staff records centrally held will be stored in the following restricted access locations: *(to be completed by School)*
	1. *To be completed*
4. Access to staff records will be restricted by the **School/Dept of X** to the following staff only, and access will only be extended to those files relevant at that time of access.
5. Head of School and School Manager (and administrative staff on behalf of)
6. Reviewing Manager
7. Staff Member
8. Administrative staff may be granted access for the purposes of retrieving staff records in accordance with specific legitimate requests ie responding to subject access requests
9. *Additional as determined by School/Dept*
10. Locally held staff records will be confidentially destroyed by the **School/Dept of X** 6 months after a staff member leaves the school. *If alternative arrangements are followed please specify*

Date Last Reviewed: ……………………………………………

School Manager: ……………………………………………