



King's Group

DATA RETENTION POLICY

KING'S COLLEGE SCHOOLS SPAIN

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KING'S COLLEGE SCHOOLS

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1. INTRODUCTION

This policy applies to all Schools that are part of KING'S COLLEGE SCHOOLS SPAIN (individually referred to as "*the School*") and is drawn up in application of Regulation (EU) 2016/679 of the European Parliament and of the Council, of April 27, 2016 (GDPR) and Organic Law 3/2018, of December 5 on the Protection of Personal Data and Guarantee of Digital Rights (LOPDGDD), whose principles for data processing are *transparency, legality and legitimacy of the processing, the limitation of the purpose, minimisation, accuracy, limitation of the retention period and integrity and confidentiality*.

In application of the principle of limitation of the conservation period, the School will be obliged to erase data from its files when it is no longer necessary, does not serve any purpose and the legally established period for its conservation has elapsed. Furthermore, under the regulations, interested parties have the power to exercise different rights, but mainly the right of access to their personal data.

This requires strict data retention policies and procedures to dispose and provide the required personal data.

The purpose of this policy is to provide criteria for effective data management.

2. SCOPE

The School must be concise, clear and transparent about how it obtains and uses personal information and will ensure that data subjects are aware of their rights under data protection legislation. These rights include information about how long the School will keep the data of the interested parties and under what criteria.

The concept of "*personal data*" refers to all information related to parents and/or legal representatives, students, employees, suppliers or third parties who are linked to the School or interested in its services and who provide their data for a purpose. legitimate and who consent to its processing.

This policy applies to all School staff, temporary or permanent, from all departments, including teaching staff, and must be integrated into the body of mandatory policies and protocols.

All staff working at the School must have a general knowledge of the law and how it may affect their decisions in order to make an informed judgment about how information is collected, used and ultimately disposed of. All staff must read, understand and comply with this policy.

The School must periodically review its files and delete or anonymise those that are no longer needed to carry out job functions.

Each employee must carefully consider any issues relating to document retention as it is part of their job to maintain data security and therefore comply with the principles outlined in applicable legislation.

The data should not be kept for longer than necessary and outside the purpose for which it is kept except for justified reasons.

The School may retain personal data for longer retention periods only for the following reasons:

- Archive
- Scientific or historical research
- Statistical purposes
- Files containing information related to the protection of minors
- Documents that may be required by judicial authorities or for compliance with legal and/or administrative requirements of the relevant authorities.

3. PRINCIPLES

As stated above, the School is required by law to comply with principles that ensure that personal information is subject to:

1. Legality, fairness and transparency: The School acts in accordance with the requirements of the GDPR and always provides transparent and clear information to individuals about the type of data and the reason for its collection. Transparency means "in a concise, transparent, intelligible and easily accessible manner, clear and concise language";

2. Limitation of processing: The School only collects personal data for a specific purpose as long as it is necessary to complete that purpose;

3. Data minimisation: The School only processes the personal data necessary to achieve its processing purposes;

4. Data accuracy: The School takes steps to ensure that personal data is accurate and up-to-date, taking into account the purposes for which it is processed, and to correct it if not;

5. Storage limitation: The School deletes personal data when it is no longer necessary;

6. Integrity and confidentiality: The School has the appropriate technical and organizational guarantees that guarantee the security, integrity and confidentiality of personal data;

7. Accountability: The School is responsible for complying with the requirements of the GDPR and the ability to demonstrate this;

The School will at all times obtain the informed consent of the interested parties for the processing of data, basically for the collection, use or disclosure, except when the law establishes exemptions, grants permissions or creates a requirement for the collection, use or disclosure of personal information.

This informed consent must also include knowledge of the grantor about the periods in which their data will be kept by the data controller.

4. PRESCRIPTION PERIODS

4.1. PERIODS:

Article 30 of the Commercial Code establishes the general obligation for businessmen to keep the books, correspondence, documentation and supporting documents relating to their business, duly organised, for *6 years*, starting from the last entry made in the books, except for what is stated. established by general or special provisions.

The data retention periods that must be considered by each department of the School will be set based on the prescription periods established by the corresponding sectoral legislation. *Prescription* is a legal concept by virtue of which the passage of time consolidates factual situations, can allow the birth or extinction of rights, or their expiration, so that, depending on the type of actions, for:

- **Criminal documents:** Article 131 of the Spanish Penal Code (Código Penal) establishes various deadlines depending on the sentence and the crime committed, so the retention period for this type of information (for example, complaints, criminal record certificates, etc.) can be kept, if necessary, for a maximum period of *20 years*;
- **Civil documents:** The Civil Code (Código Civil) establishes different prescription periods depending on the different types of actions exercised: Articles 1962 and 1963 establish the prescription *period of 6 years* for documents subject to real actions (claim, confession and denial) if It is movable property and after 30 years if it is real estate (except for certain exceptions prescribed in the CC). If these are documents related to the mortgage action, the term is *20 years* (article 1964 of the Civil Code). Regarding personal actions, the limitation period is 5 years (article 1964 Civil Code) unless otherwise provided, therefore this is the general term of credit rights, which prescribe, unless the rule establishes a specific *period, 5 years*.
- **Documents related to Social Security:** The General Law of Social Security (Ley General de la Seguridad Social) establishes that the prescription of debts will occur *after 4 years* in the case of demanding payment of debts for Social Security contributions, to impose sanctions for failing to comply with Social Security regulations or due to the obligation to repay benefits received improperly.
- **Documents related to workers:** In this case there are several deadlines depending on the type of actions established both by the Law of the Workers' Statute and by Law 36/2011, of October 10, (Estatuto de los Trabajadores) regulating social jurisdiction, with which understands that we must stick to the type of specific action to comply with the appropriate conservation period.

Generally, actions that do not have a special period expire within *1 year* from the date of termination of the Contract (59.1 ET).

If these are violations of Art. 4.1 Royal Legislative Decree 5/2000, (Ley Prevención Riesgos Laborales) it is 3 years. If it is a violation of occupational risk prevention, it is 5 years.

- **Documents related to tax obligations:** Based on article 66 of the General Tax Law, (Ley General Tributaria) a tax debt expires after 4 years. The time begins to run from the day after the end of the regulatory period to submit the declaration or self-assessment. If it involves verification of the bases or fees compensated or pending compensation or deductions applied or pending application, it is 10 years.

- **Accounting and commercial documentation:** According to article 30 of the Civil Code it will be kept for 6 years.

- Other types of documentation, such as **medical documentation**, will be kept for the appropriate time for each case and, at least, 5 years from the date of discharge of each care process, in accordance with art. 17.1. Law 41/2002, of November 14, basic regulation of patient autonomy and rights and obligations regarding clinical information and documentation.

4.2. CONSERVATION:

The information (whether in printed form or by electronic means) will be retained for at least the period specified in the attached scheme on a legal basis. In managing records, the School will adhere to the standard retention times listed on that schedule.

Paper and digital data will be monitored regularly in each department by the director of each department.

The Data Protection Officer will, if necessary, monitor and send a reminder to School staff at the end of each school year about the data retention requirements and security measures that each department must implement.

Recommended security measures to store personal data securely may include, but are not limited to, locked cabinets and offices, clear desks, boards, walls, shelves and computer screens, password safekeeping and file encryption, backups, access control and restricted access to files, contingency plan, pseudonymization of personal data, annual review of technical and organisational measures, etc.

Awareness programs should also be provided to School staff regarding the safe custody of files and their confidentiality.

Retention periods are based on business needs and legal requirements, however these terms must be tailored to the School 's particular needs and usage.

5. DESTRUCTION OF FILES

As soon as records have been identified for destruction, they should be disposed of appropriately. All information must be reviewed by the Head of Department, before its elimination, to determine if it is dispensable and unnecessary, or its destruction

should be delayed for any reason, such as potential litigation, complaints or claims, administrative procedure or ongoing audit, among others. other circumstances. In these cases, the corresponding file must be kept for the duration of the reason and until its resolution.

All paper records containing personal information or sensitive data should be shredded before disposal. It is recommended that you hire the appropriate experts in secure and confidential document destruction if possible. All electronic information will be securely deleted by the Head of Department and with the support of the IT department if necessary.

Each department of the School must have a record of files with which it works, establishing:

- File reference (or other unique identifier);
- File title/description;
- Number of files; and
- Date of destruction

6. CREATION OF A DATA BASIS

When documents have been identified as needing long-term preservation, for example, student data relating to health, criminal incidents, or employee criminal record certificates, such documents will be transferred to the corresponding files, which will be blocked during the conservation period and protected with the relevant security measures that preserve their integrity, confidentiality and availability. A database of such records and a description of archived documents must be maintained in accordance with the School practice.

7. RESPONSIBILITY AND MONITORING

The director or supervisor of each department has primary and daily responsibility for implementing this Policy among the School 's staff.

The Data Protection Officer, together with the School's Principal and the head of each department, are responsible for monitoring its use and effectiveness and addressing any questions about its interpretation.

The Data Protection Officer will consider the suitability and adequacy of this policy and will report improvements directly to the management or direction of the School.

Internal control systems and procedures will be subject to periodic audits to ensure that they are effective in creating, maintaining and deleting records.

Management at all levels is responsible for ensuring that those who report to them are aware of and understand this Policy and receive appropriate and regular training in this regard.

8. PERIODS OF DATA RETENTION

1. HRDEPARTMENT

DESCRIPTION	DATA RETENTION PERIODS
Application forms and interview notes (for unsuccessful candidates)	12 months Business interest
Selected candidates	5-7 años recommendable Indefinite conservation of necessary data is possible
Email from former employees	12 months after the end of the contract and file blocked until the end of the commercial interest
Payrolls	10 years Art. 66 and 67 Ley General Tributaria
All medical surveillance records of employees due to work accidents	5 years Article 4.3 LISOS

2. FINANCEDEPARTMENT

Budgets	6 years Art. 30 Código de Comercio
Financial statement reports	6 years Art. 30 Código de Comercio
Profit and loss accounts	6 years Art. 30 Código de Comercio
Contracts with suppliers	10 years After the termination of the business relationship. Royal Decree 304/2014, of May 5, which approves the Regulation of Law 10/2010, of April 28, on the prevention of money laundering
Tax and Accounting Records	6 years Artículo 115 Ley General Tributaria
Minutes of Meetings and certifications of decisions adopted	Permanent Business interest
Audit reports	Permanent Business interest

3. ADMISSIONS DEPARTMENT

Registration and contract	10 years after termination or change of School Art. 1964 Civil Code relating to prescription periods
Family and Contact Details/History	10 years after termination or change of School Art. 1964 Civil Code relating to prescription periods
School reports	25 years from date of birth*
Parental consent/authorizations	25 years from date of birth*
Diploma	25 years from date of birth*

* It will be assessed by the School. In this case, criteria from British legislation are followed.

The student's entire home folder must contain the following information or documents:

- Registration forms and contracts signed by parents
- Academic information
- Family data and contacts
- Health reports
- Educational and behavioral reports
- Diplomas, certifications, degrees and qualifications
- Parental consent forms
- Legal or judicial documents related to the family or personal status of the student and his or her parents or legal guardian (judicial decisions, etc.)

4. MARKETING

There are no specific retention periods set out under the GDPR, so it is up to your organization to set or identify them and any legal limitation laws.

The Marketing team must retain personal data for as long as necessary to fulfill the purpose for which it was collected. Legitimate interest and consent are the legal basis for collecting and processing personal data for marketing purposes. Personal data used for marketing purposes must be anonymized if it is used for static marketing purposes.

Systems for mass sending commercial communications must have unsubscribed functionality. The right to withdraw consent at any time and freely must be respected and guaranteed.

The maximum consent retention period is **2 years**.

5. TEACHERS

The data processed by teaching staff must be reviewed and updated each school year by each teacher and unnecessary data must be deleted securely.

The teacher must transfer personal data related to the protection of the child to the child protection officer. Any data that may be used in civil or criminal litigation must be transferred to the corresponding files of the College and to the competent Administration. In the case of irrelevant information from students present or those who are no longer under the teachings and authority of the teacher, it will be reviewed and eliminated.

6. SAFEGUARDING AND LEGAL CLAIMS

Documents related to the protection of minors	Unlimited Interest of the minor
Documents related to the student's health	Unlimited Interest of the minor
School planning and authorizations	Permanent Business interest
Risk assessments	Permanent Business interest
Visit form	1 year
Documents linked to legal claims or possible legal claims. Evidence.	Prescription period
Video surveillance recordings	24h Instruction 1/2006 AEPD, article 6 establishes a maximum period of 1 month if necessary, or a longer period in response to a legal or judicial requirement.