



# **Policies**

## **Railway Competence Group**

## Data Retention Policy

Railway Competence Group is fully committed to complying with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Document management principles are outlined in this policy to ensure consistency across all formats.

### Procedure

Railway Competence Group applies the following principles when handling apprentices' personal data:

- We will only use personal data with the candidate's permission and in association with delivery of End Point Assessments.
- Unless required by law, Railway Competence Group will never share a candidates' personal information with any other organization.
- We only collect the information we need for the delivery of End-point Assessments and subsequent certification.
- Candidates' personal information is only seen by those who require it to provide the service.
- Candidate personal data is retained only as long as necessary.
- If changes are made to personal information, Railway Competence Group will update our records.
- Immediately correct inaccuracies or misleading information.
- Information about candidates is protected from accidental or unauthorised disclosure.
- Railway Competence Group will make personal data that we have stored available to the individual upon request and comply with all relevant legislation.
- Third parties working for Railway Competence Group must comply with this policy.
- Staff members are responsible for managing, storing appropriately, and disposing of the information they produce and receive on a day-to-day basis.

Railway Competence Group must review and dispose of the information gathered and generated throughout the course of its business.

### Disposal Schedules

A long retention period carries additional risks, costs, and potential noncompliance with the Data Protection Act 2018.

According to the Data Protection Act 2018, Railway Competence Group must not hold personal data for longer than is necessary.

Please see table below regarding data types, retention periods, storage methods, review dates, and when to destroy documents safely.

Type of Record	Retention Period	Reason for Length of Period
Learner registration	3 years after the qualification is completed	Processing any queries; requirement to maintain contact details in the case of any legacy malpractice.
Learner achievements/certification record	In perpetuity	Replacement certificates; authenticating achievement.
RCG staff records	3 years after data subject ceases to be on staff	May be required for professional reference.
	5 years for data	Potential litigation

	relating to proven malpractice	
	Data may be held in perpetuity in cases of proven serious malpractice	Potential litigation
Personnel files, including training records, notes of disciplinary and grievance hearings, and appraisal forms	6 years from end of employment	References and potential litigation
	Some data relating to proven serious malpractice may be held in perpetuity	Selected material may form part of the Institute Archive
Letters of reference	6 years from end of employment, by the author of the reference letter	References and potential litigation
Application forms / interview notes	At least 6 months from the date of the interviews	Time limits on litigation
Facts relating to redundancies where fewer than 20 redundancies	6 years from the date of redundancy	As above
Facts relating to redundancies where more than 20 redundancies	12 years from the date of redundancies	Limitation Act 1980
Income Tax and NI returns including correspondence with tax office	At least 3 years after the end of the financial year the records relate to	Income Tax Employment Regulations 1993
Statutory Maternity pay records and calculations	As above	Statutory Maternity Pay (General) Regulations 1986
Statutory sick pay records and calculations	As above	Statutory Sick Pay (General) Regulations 1982
Wages and salary records	6 years from end of employment	Taxes Management Act 1970
Accident books and records and reports of accidents	3 years after the date of the last entry	Social Security (Claims and Payments) Regulations 1979, RIDDOR 1985
Health Records	During period of employment	Management of Health and Safety at Work Regulations
Health records where reason of termination of employment is connected with health including stress related illnesses	3 years	Limitation Period for personal injury claims
Medical records kept by	40 years	The Control of Substances Hazardous to

reasons of the Substances Hazardous to Health Regulations 1999	Health Regulations 1999
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Anonymised data does not have retention periods. We will not destroy data records pending audits, litigation, or investigations.

Managing Partner - Delivery is responsible for securely disposing of data, including backups, and maintaining an audit trail.

When challenging the retention of personal data, GDPR Article 17 (Right to erasure) or the equivalent sections in the DPA 2018 should be applied. When Railway Competence Group is legally obliged to process personal data or processing is necessary for us to perform our functions, the right to erasure does not apply.

## **Training**

All employees and contractors of RCG will receive regular training on data protection and retention, including the importance of maintaining data security and compliance with this policy. This training will cover topics such as data protection legislation, data access controls, data disposal procedures, and incident response procedures.

## **Compliance**

Failure to comply with this policy may result in disciplinary action and may also result in non-compliance with Ofqual's conditions of recognition. RCG will conduct regular compliance audits to ensure that this policy is being followed and that all data is being retained, processed, and disposed of in compliance with relevant legislation and regulations. Annual compliance audit will be undertaken by the Managing Partner-Delivery.

## **Conclusion**

RCG is committed to maintaining the security and integrity of data in its possession, and to complying with all relevant legislation and regulations, including the conditions of recognition set by Ofqual. This policy is intended to provide guidance on the proper retention and disposal of data and to ensure that RCG is fully compliant with all legal and regulatory requirements.

## **Policy Review**

This policy will be reviewed and updated as necessary to ensure compliance with any changes in legislation and regulations. The review process will include input from relevant stakeholders. Reviewed 30/01/23 to be reviewed annually.



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