

**Guide - Keeping staff records under UKDPA**

UK Data Protection Act (2018) will change the way BCC handles staff data.

In particular how long BCC needs to keep staff records (including interviewees) will depend on whose data you’re keeping and how long you’ve stored it for already.

**Current staff**

DPA doesn’t set out any minimum or maximum time limits for keeping staff data. But it does state that BCC shouldn’t keep personal data for longer than you need to.

The length of time you’ll keep data for will depend on the reason why you collected it. For example, if you collect an employee’s contact number to use in case of emergency, it’s not necessary to keep this once the employee leaves.

BCC must therefore decide how long it’s necessary to hold data for. That said, there are legal requirements for you to follow.

Here are a few:

 **Working time records:** Keep for 2 years from the date the records refer to.

 **Payroll records:** Keep for 3 years from the end of the tax year that they relate to.

 **Maternity, Paternity or Shared Parental Pay records:** Keep for 3 years after the end of the tax year that the payment stopped.

**Former staff**

After an employee leaves, records shouldn’t be binned their right away. Such may be needed them to defend yourself against a tribunal or court claim.

Generally, an employee can make a claim to an employment tribunal within three months of their employment ending. But depending on the claim, the limit can be six months or longer

As a result, BCC should keep personal data, performance appraisals and employment contracts for six years after an employee leaves.

Don’t forget a former employee- or anyone you hold data on – might issue you with a Subject Access Request (SAR) to see what data you have on them.

**Job Applicants**

BCC may collect a lot of information from job applicants including cv’s, cover letters and interview notes. You should hold onto this data for 6 months even if the applicant was unsuccessful, as they could log a discrimination claim against you within this time.

If you want to keep cv’s on file for the future, then to be DPA compliant you’ll need to get consent from applicants and make sure that their information is up-to-date – this can effect the content of ‘job application’ rejection letters.