

Section B: Operational Guidelines

B5. Document Retention.

Retention of Records

ETB/School/Centre as *data controllers* must be clear about the length of time for which personal data will be kept and the reasons why the information is being retained. In determining appropriate retention periods, regard must be had for any statutory obligations imposed on a data controller. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. It may also be anonymised to remove any personal data. Anonymisation must be irrevocable; removing names and addresses may not necessarily be sufficient.

In order to comply with this legal requirement, *<Named school/ETB>* has assigned specific responsibility and introduced procedures for ensuring that files are purged regularly and securely and that personal data is not retained any longer than is necessary. All records will be periodically reviewed in light of experience and any legal or other relevant indications.

IMPORTANT: In all cases, **ETB/School/Centre** should be aware that where proceedings have been initiated, are in progress, or are reasonably foreseeable (although have not yet been taken against the **ETB/School/Centre**/board of management/an officer or employee of the **ETB/School/Centre** (which may include a volunteer), all records relating to the individuals and incidents concerned should be preserved and should under no circumstances be deleted, destroyed or purged. The records may be of great assistance to the **ETB/School/Centre** in defending claims made in later years.

WARNING: In general, the limitation period does not begin to run until the person concerned acquires knowledge of the facts giving rise to the claim and the Statute of Limitations may be different in every case. In all cases where reference is made to “18 years” being the date upon which the relevant period set out in the Statute of Limitations commences for the purposes of litigation, the **ETB/School/Centre** must be aware that in some situations (such as the case of a student with special educational needs, or where the claim relates to child sexual abuse, or where the student has not become aware of the damage which they have suffered, and in some other circumstances), the Statute of Limitations **may not begin to run when the student reaches 18 years of age and specific legal advice should be sought by ETB/School/Centre on a case-by-case basis.** In all cases where retention periods have been recommended with reference to the relevant statutory period in which an individual can make a claim, these time-frames may not apply where there has been misrepresentation, deception or fraud on the part of the respondent/defendant. In such a circumstance, the **ETB/School/Centre** should be aware that the claim could arise many years after the incident complained of and the courts/tribunals/employment fora may not consider the complainant to be “out of time” to make their claim.

Records relating to 1. Staff and Volunteers 2. ETB Students/Trainees/ Adult Learners 3. ETB Contractors.	Primary	Vol Sec	C&C	ETB	Confidential shredding	Comments
Garda vetting form & outcome.	N/A as primary schools pupils will not be undergoing vetting	Record of outcome retained for 12 months.	Record of outcome retained for 12 months.	Record of outcome retained for 12 months.	Confidential shredding	Record of outcome retained for 12 months. ETB/School/Centre to retain the reference number and date of disclosure on file, which can be checked with An Garda Siochana in the future.