

Diocese of Elphin – HR Policy Handbook

Document Name: Record Retention Policy
Document No: 3.1.11 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Operating under the patronage of Our Lady of the Immaculate Conception, the Diocese of Elphin aims to provide staff members with a safe, caring and supportive Christian environment in which to carry out their work. Work objectives are to be advanced with due regard to the needs and dignity of each staff member and with due regard for the individuals and communities the diocese serves.

This document outlines the Diocesan policy on Retention of Records. It is applicable to parishes, offices, agencies and any entity operating under the governance of the Diocese of Elphin (hereafter referred to as "the employer"). Line Managers (Bishop, Priests, Deacons, Religious, Lay Personnel who supervise staff members) are responsible for communicating this policy and having it signed off by their staff member(s).

Introduction

The Data Protection Acts 1988 and 2003 and General Data Protection Legislation (GDPR), [effective May 2018] explicitly requires organisations to be in a position to demonstrate compliance with its requirements. It is Diocesan policy to ensure full compliance with this legislation.

The legislation does not specify any particular retention periods for personal data. However, it states that personal data may only be kept in a form which permits identification of the individual for no longer than is necessary for the purpose for which it was processed.

When considering retention periods, Bishop, Priests, Managers, Staff should be guided by statutory retention periods, limitation periods, business needs and, of course, data protection principles.

For employee data, employment legislation dictates retention periods for certain data. Some of these statutory retention periods are set out below.

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Statutory Retention Periods for HR Data

<u>Legislation</u>	<u>Retention requirements</u>
Terms of Employment (Information) Acts 1994 to 2012	Duration of employment and one year thereafter
Payment of Wages Act 1991	Six years
National Minimum Wage Act 2000	Three years
Organisation of Working Time Act 1997	Three years
Protection of Young Persons (Employment) Act 1996	Three years
Carer's Leave Act 2001	Eight years
Parental Leave Acts 1998 and 2006	Eight years
Employment Permits Acts 2003 to 2012	Five years
Accident Records	Ten Years

Other Data

You may need to retain other data to defend an action/claim. In this regard, account should be taken of the six year limitation period to take a breach of contract claim and the two year limitation period to take a personal injuries claim.

Crucially, all retention periods should be evidence based and the period chosen cannot seek to cover all possible eventualities where personal data may be useful to "the employer". The same requirement applies to outsourcing activities.

If, in the course of business, you transfer, or intend to transfer, an individual's personal data to another organisation for data processing you need to ensure that the data processing contract addresses all legal requirements and clearly sets out the responsibilities and liabilities of all parties.

If, in the course of business, you transfer, or intend to transfer an individual's personal data outside the EU, you are required to ensure approved transfer mechanisms are in place to do so. Guidance on current rules regarding international data transfers can be found on the websites of the Data Protection Commissioner.

For further information please contact:

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