



## HR, Staff and Salary-related Records held by the Royal Irish Academy: Data Protection and Document Retention Statement

### **Type of Record:**

**Successful candidate/s for specific posts: General note:**

### **Purpose of Data Collection & Retention:**

Applications, CVs and other documents, e.g. PPSNs supplied by successful candidates are retained on the individual's HR file which is set up for the purposes of maintaining adequate, fair records of the person's employment with the institution and for the purpose of processing their relevant data for accounting and administrative purposes. These records are retained for audit purposes for the first two years also. Bank details are separately held by the Accounts Dept. for the purpose of processing salary and/or other payments or reimbursements. The various categories of records which pertain or may pertain to employees are listed below. Bank details are kept on payroll system.

### **Retention Period:**

Applications are retained for the duration of the data subject's career with the organisation and for one year thereafter. The most recent copy of a curriculum vitae shall be retained on employee files, older versions shall be securely deleted. Electronic copies of applications are held securely (password-protected) for a period of 2 years as they are required for auditing purposes. Bank details are required by payroll/Finance only after commencement.

### **Notes:**

Note: CVs may be updated by the data subject/employee. Superseded CVs are deleted securely (for example in the case of a promotion, earlier applications are deleted). Application, CVs and other data which are no longer relevant are securely destroyed on completion of the retention period.

### **Documents held on individuals' files (as applicable):**

#### **Your HR file: Some general points to note**

- HR files contain some or all of the documents listed hereunder. These documents are collected for the performance of an employment contract between the Academy and the employee, for payroll administration, for compliance with legal and governance obligations, including audit. The data held on HR files are processed fairly for the purposes of fulfilling contractual obligations (e.g. payments) and legal obligations. The data are held securely.
- HR files are normally kept by the Academy for indefinite periods but retention periods vary for the different elements of the file. Please see the different categories of data listed below. Only relevant data are retained at any given time. Pensioners' files are retained in archives until the pensioner and dependent spouse are deceased, and dependent children are finished full-time education, plus 3 years.
- Files pertaining to employees/data subjects may be accessed by HR personnel only or the data subject at his/her request. Incorrect data may be deleted at the request of the data subject.

Only data which are relevant, and necessary for the management of the organisation are retained. Pension files are securely held and securely destroyed on completion of the retention period (12 years). Details on ex-employees are held securely in archives until death of the individual ex-employee at which juncture relevant details are securely destroyed. Data are collected and held in compliance with the Data Protection Acts currently in force and the General Data Protection Regulation (GDPR) (2016/679). Specific categories of HR or Accounts data are covered by the Data Protection Acts e.g. applications for posts, employee's salary and bank account details and organised personnel files. The Academy's Data Protection Policy is accessible at: <https://www.ria.ie/privacy-and-data-protection>

**Original application and CV. - see Successful Candidate above.**

**References 1 (furnished for prospective employees):**

- References may have been taken up in writing or securely, by phone or email. Phone references are noted and a follow-up email is sought. These are taken up to support the decision made by the Interview Board. They are retained for audit and governance purposes.
- Retained until completion of employee's probationary period — normally one year.
- References are securely held in hard copy on employee files in locked cabinet for the stated retention period. These documents are accessible to auditors upon request.

**References 2 (furnished on behalf of past employees):**

- Only contract/tenure specific details can be given on an Academy reference i.e. job title, start and end date, reporting to, absence periods. Any details regarding performance, personal opinions etc. must be given via a 'personal' reference.
- Retention period 6 years.

**Contract:**

- A contract is drawn up in duplicate (one copy for the prospective employee); it contains the conditions of employment, rights and responsibilities, reference to procedures to be read and adhered to etc., details such as to whom the employee will report, start date, holiday entitlements, pension entitlements, as appropriate, end date if the contract is one of definite duration. Contracts are retained for the purposes of ensuring that employee's terms and conditions and employer's duties are adequately recorded and to ensure that each party is aware of their obligations and responsibilities in relation to a given post. The purposes of collection and retention include audit and governance considerations.

➤ **Main Legislation pertaining to Contracts of Employment:**

Terms of Employment (information) Act 1994, Organisation of Working Time Act 1977, The Payment of Wages Act 1991, Safety, Health and Welfare at Work Act 2005, Protection of Employment Act 2007, Workplace Relations Act 2015, Industrial Relations Amendment Act 2015, Equality Act 2015, Unfair Dismissals Act 1993, Protection of Employees (Part-Time Work) Act (2001), Maternity Protection Act 1994, 2004, Carers Leave Act 2001, Adoptive Leave Act 2005, Employment Permits Act 2006, Paternity Leave and Benefits Act 2016, Protected Disclosures Act 2014. This list is not exhaustive.

- Retained for the duration of employment and for as long as the file is archived.
- A copy of the employment contract is held securely on each employee's HR file (hard copy and electronic copy - password-protected). Only HR personnel may access the HR files or contracts of employment, or the data subject (employee) upon request. Auditors, upon specific request may access HR files for auditing purposes in the presence of HR staff. Employees hold duplicate, signed versions of their contracts. Over the course of time, a contract may be revised by mutual consent, e.g. if an employee opts to work different hours or part-time etc. This contract supersedes the initial one but both may be retained on file for information purposes and for the computation of eventual pension payments, or in the case of disputes.

**HR, Staff & Salary-related Records: Data Protection and Document Retention document:**

- Prior to commencement of employment, the prospective employee will be given a copy of this document which outlines the type of records which will be held and their purposes e.g. for the administration of salaries, training programmes, dispute resolution etc. The employee will be asked to read this document prior to signing their contract. Included in the contract is a statement (for signature) to the effect that the prospective employee has read and understands the document.

**Next of kin form:**

- These forms are completed by employees to enable next of kin to be contacted in the case of health incidents or emergency. The forms include a consent statement from the nominated next of kin.
- Retained until superseded.
- Securely held and only used in emergency situations. Securely destroyed when replaced by up-to-date version or when the employee leaves the Academy's employ.

**Probation forms:**

- These are completed by the employee and his/her line manager for the purposes of ensuring that the employee's performance meets the required standards and so that both parties may provide feedback. Documents retained for audit purposes and management use and to back up offer of permanency or confirmation of permanency.
- Retained on file as they form part of the contract of employment.
- Securely held and securely destroyed only in the event of lawful destruction of the file.

**ESDS or Personal Development forms:**

- These are completed by employees and their line managers and form the basis of an annual discussion and review of their development, competencies, upskilling requirements etc. The forms are retained on HR file as they provide evidence of compliance with internal protocols, evidence of performance, support for promotional decisions and backup/support documentation for succession planning and decisions arising therefrom.
- Securely held on employee HR file (hard copy) for duration of employment and for six years thereafter.
- May be accessed by HR staff, line manager or auditors (upon specific request and in the presence of HR staff)

**Staff training records:**

- These are records of training courses etc. on which staff were sent, or which may have been organised in-house. Records retained for audit reasons.
- Retain for duration of employment.
- These records have not always been kept in a retrievable system. This is being systemised going forward. Going forward training records will be held on individual HR files and a central log of all training, applications, grants and costings maintained on a central file as per auditing requirements. When the HRIS 'self service system' goes live, staff and line managers will have access to own and direct reports training records. Training records will be retained in line with legislative requirements and hard copies retained for auditing purposes.

## **Salary Records:**

### **Salary records (these records are held separately by the Accounts Dept.)**

- These are generated by Accounts Dept. For this reason, HR staff must release data re changes, e.g. hours worked, sick leave, other leave etc. to the Head of Accounts, on a monthly basis, as appropriate. Salary records are retained primarily for revenue and audit, and thereafter as long as (a) the employee is engaged by the Academy; (b) thereafter for eventual pension computation.
- Retained indefinitely. Or, retained for 6 years post death of employee (in the event that there is no pension beneficiary) or for 6 years post the death of the beneficiary, whichever is applicable.
- Passworded and securely held. Salary data held on HR files (hard copy) and soft copy (for payroll instruction purposes). Accounts Dept. may access these documents at the request of the CEO or the HR Dept. or the data subject. In the event of a Data Protection request, the Data Protection Officer may be delegated to search the relevant records confidentially. These records must also be made accessible to auditors or revenue if requested (this is a legal requirement).

### **Payroll (records are held by Accounts Dept.):**

- Salaries and pensions data are prepared monthly and input to the secure electronic payroll system. Backups are made at the end of each month (one for salaries, one for pensions). Data required for payment, audit, revenue and eventual pension purposes.
- Retained indefinitely. These are necessary to enable pension and other payments.
- Securely held on excel salary sheets (password-protected) and on HRIS system (password-protected to allocated personnel only, Head of Accounts or their nominee). Limited access is given to the CEO for payroll authorisation purposes. Access to information held is accorded to the Head of HR upon request, for specific legitimate purposes, or the data subject (employee), upon request. These records must also be made accessible to auditors or revenue officials if requested (this is a legal requirement). Data are also shared with the Academy Pension provider. Data transferred to the Pension provider via secure file transfer and incoming reports are password-protected (excel).

### **Superannuation/pension/retirement records (these records are held separately by the Accounts Dept.):**

- These are retained for the specific purposes of ensuring that employees obtain the correct benefits upon retirement. Retained for audit purposes also.
- Retained indefinitely. This should tie in with above.

- Securely held. Details re pension held electronically and password-protected. Head of Accounts or their nominee, or the CEO or the Head of HR may access these documents, or the data subject (employee), upon request. These records must also be made accessible to auditors if requested (this is a legal requirement).

## **Leave Records:**

### **Annual leave:**

- Annual leave entitlements are recorded on individual's contracts. Employees hold their own Annual Leave Sheet on which they enter their leave, having previously agreed this with their line managers who may hold copy leave data. Data is entered on a secure spreadsheet for the HR Dept. as well as a Leave Database which is securely passworded and on which line managers may input and edit leave for their own staff only. These records are collected to fulfil a number of functions: audit requirements; HR data requirements for computation of pay and ultimately sick leave or pension entitlements; managerial data for management of departmental functions and allocation of staff; individual's own need to document their leave.
- Annual leave sheets are collated by HR staff at year end and retained for one year for audit purposes. The database records are retained indefinitely as these collate each employee's attendance and absence for the duration of their employment.
- Currently all staff maintain own leave records, line managers forward leave details electronically to HR on a bi-weekly basis and details are recorded electronically in a secure HRIS system. Only named personnel have access to data appropriate to their function, e.g. Line Managers to their own staff's leave records; HR to all staff leave records. When the HRIS system moves to self-service all staff will have direct access to own leave records via the system. Line managers will continue to have access to all team records. Annual leave sheets are securely shredded after one year. In line with DT and GDPR guidelines - staff can request information regarding them held on HR files and these can be amended or deleted if/where appropriate. The self-service system will give direct visibility on details held on employees

### **Sick leave:**

#### **Academy records of sick leave:**

- Sick leave is recorded by Line Managers on a HR spreadsheet which is department specific, i.e. only the names of those staff for whom a line manager is responsible are recorded. Line managers record absences as appropriate. Sick leave is input to the Leave Database by the HR Dept. directly as HR will be aware of whether this leave is certified, uncertified or has a related Social Welfare benefit or pay consequence. Records are collected for audit purposes, to compute and manage sick pay and for information purposes, e.g. how long will employee be absent (organisation may need to make arrangements for substitute staff).

- Dates and type of sick leave (certified/uncertified) retained in line with HR data retention requirements. There is no legal entitlement per se to be paid when out sick, however most employers make provision and this is outlined (usually) in the contract of employment, governed by Terms of Employment (Information) Act 1994.
- Spreadsheets are securely passworded. Only named personnel have access to data appropriate to their function, e.g. Line Managers to their own staff's leave records; HR to all staff leave records. The corresponding HRIS database containing all employee leave details (annual; sick; compassionate leave etc.) is securely passworded also. Each account holder responsible for password protecting his/her own spreadsheet. HRIS system automatically creates a password and ID for each user.

#### **Sick leave certificates:**

- All sick leave certificates are held on a Sick Leave File by HR. This is organised by surname for ease of access to the records. These records are collected for computation of sick pay and to record sick leave in compliance with legislation and audit requirements.
- Retained for 4 years.
- Securely held and securely destroyed thereafter. Accessible only by HR personnel or by data subject on request.

#### **Occupational health records:**

- Reports relating to health screenings requested by the Academy may be retained for extended periods for record purposes.
- Retained for up to 40 years.
- Electronic and/or hardcopy records securely held. Accessible only by HR personnel or by data subject on request. Securely destroyed thereafter.

#### **Health & Safety: Accident records:**

- These are completed in the event of an accident occurring in the Academy for information and audit purposes.
- Retained indefinitely.
- Retained indefinitely as there may be follow-up matters at a later stage. Securely held by Health & Safety Officer on separate Incident Report File in locked cabinet and securely destroyed on destruction of the relevant individual's file (if an employee).

### **Maternity leave:**

- Records collected for information purposes and to enable decisions or requests to be made for temporary replacement staff; for audit and legislation compliance purposes.
- Retained for 3 years after end of tax year in which the maternity period ends.
- Securely held. Accessible only by HR personnel or by data subject on request. Securely destroyed on completion of retention period.

### **Parental leave:**

- Records collected for information purposes and to enable decisions to be made regarding the leave request; for audit and legislation compliance purposes.
- Retained for 8 years from birth/adoption of child or 18 years if the child receives a disability allowance.
- Securely held. Accessible to HR personnel or by data subject on request. Also available to payroll officer and Head of Finance for payroll details and to meet financial auditing requirements. Securely destroyed on completion of retention period.

## **Disciplinary records; allegations and complaints; industrial relations files; records of meetings**

### **Disciplinary records:**

- These are collected for the purposes of recording the issue of disciplinary warnings and contextualising the data. Retained for audit purposes; and to ensure that fair and accurate records are accessible to the employer and employee going forward.
- Retained for 6-12 months unless disciplinary procedures provide for earlier removal at which point the records are destroyed. However, for performance record and any potential IR purposes, an incident note will be retained on file regarding any disciplinary event/issue. Records must be maintained and retained in line with internal policy and due process guidelines.
- Securely held. Accessible only to HR personnel or by data subject on request. Securely destroyed on completion of retention period.



### **Allegations and complaints:**

- When a complaint is made it is recorded and investigated. Investigations are conducted in line with the Disciplinary and Grievances Policies following due process principles.
- Retained if disciplinary action taken as these support the action. Otherwise, if allegations or complaints are without substance, record is deleted from file.
- Securely held. Accessible only to HR and file holder (subject and respondent).

### **Industrial Relations (IR) files:**

- Records of IR issues which involve arbitration are retained for audit purposes and to enable the parties to agree a way forward.
- Retained for duration of the issue + one year. If arbitration is necessary records will be retained on a separate file but removed from individual files (where applicable) in line with legislative requirements – normally 6 months – 1 year. However, in the event where Labour Court action is determined a separate file is held with relevant details and retained indefinitely.
- Securely held and securely destroyed on completion of the retention period.

### **Meetings with staff members:**

- Depending on the context of the meeting, e.g. if it concerns an IR issue, allegation, disciplinary matter, a note is taken of the meeting for record purposes and for audit.
- Records must be maintained for 6-12 months in line with internal policies as appropriate. A note can be made on file but the record must be deleted and it becomes invalid after the disciplinary period has expired. Record notes may be held on file for the purposes of reference but details regarding disciplinary issues must be removed and replaced with a file note when expired.
- Accessible only to HR and the post holder and line manager involved in the matter (for the period specified).

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