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## Mevagh Family Resource Centre Data Retention Policy

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<b>Document:</b>	<b>Data Retention Policy</b>
<b>What is this?</b>	This is Mevagh Family Resource Centre's (Mevagh FRC) Data Retention Policy
<b>CRA Code Sections:</b>	3.4, 3.7
<b>Use of Document:</b>	Directors of Mevagh FRC - CRA Compliance
<b>Date Approved:</b>	This Policy was approved by Mevagh FRC at its meeting on 09.12.24.
<b>Review Date:</b>	This Policy will be reviewed every three years by the Voluntary Board of Directors of Mevagh FRC

## **Introduction**

Mevagh FRC seeks to ensure that it retains only data necessary to effectively conduct its business activities, deliver its programme of work, supports & services and to meet its legal and statutory obligations.

The need to retain data varies widely with the type of data and the purpose for which it was collected. Mevagh FRC strives to ensure that data is only retained for the period necessary to fulfil the purpose for which it was collected and is fully deleted when no longer required. This policy sets out Mevagh FRC's guidelines on data retention and is to be consistently applied throughout the organisation.

## **Scope**

This policy covers all data collected by and stored on Mevagh FRC owned or leased systems and media, regardless of location. It applies to both data collected and held electronically (including photographs, video and audio recordings) and data that is collected and held as hard copy or paper files. The need to retain certain information may be mandated by Irish legislation and legitimate business purposes, as well as the EU General Data Protection Regulation (GDPR) and Data Protection Acts 1988 - 2018 (the DPA).

## **Reasons for Data Retention**

Mevagh FRC retains only that data that is necessary to effectively conduct its business activities, deliver its programme of work, supports & services and to meet its legal and statutory obligations.

Reasons for data retention include:

- To register an interest in and communicate with individuals about our supports, services, training and volunteering opportunities.
- To respond to queries and/or information requests.
- To process job or volunteer applications.
- To process staff payroll.
- To respond to Subject Access Request(s).
- To respond to feedback or complaint(s).
- To comply with governance, legal and statutory obligations.
- To select, contract and reimburse suppliers of goods and services.
- To carry out research and statistical analysis.
- To update health and safety contact details of next of kin for staff members.
- Images/ videos to be used for publicity or security purposes.
- To refer community members to other services.

## **Data Duplication**

Mevagh FRC seeks to avoid duplication in data storage whenever possible, though there may be instances in which for programme delivery or other business reasons it is necessary for data to be held in more than one place. This policy applies to all data in Mevagh FRC's possession, including duplicate copies of data.

## Retention Periods

Mevagh FRC has set the following maximum retention periods for the following:

### Data Retention Period – Human Resources

Category of Personal Data	Reason for Processing	Maximum Retention Duration
Payroll and Tax Records	Contains personal data, bank account details, PPS No.	Revenue Commissioners – all employee payroll and tax records be retained for 7 years from the end of the financial year, following termination of employment, or the end of any enquiry by the Revenue Commissioner
Payslips and records relating to wages	This may include contact details, date of birth, curriculum vitae, work and educational history, referee name, interview notes, related documentation etc.	The National Minimum Wage Act 2000 (Section 22) – payslips must be retained for at least 3 years from the date any record is made.
Recruitment related data		Employment Equality Acts 1998-2015 – There is no statutory retention period for personal data relating to unsuccessful job candidates. Individuals have a maximum of 12 months to refer a complaint to the Workplace Relations Commission (WRC) under the Employment Equality Act 1998-2015. It is recommended, therefore, that such records are retained for at least 12 months from the date the position is filled to be able to defend any claim to the WRC. The Data Protection Commission considers a retention period of 1 full year to be appropriate in situations like this.
Terms and Conditions of Employment	This may include personal data contained in contracts of employment and all related documentation	The Terms of Employment (Information) Act 1994-2102 – provides that an employee's terms and conditions of employment must be retained for the duration of the employment and 1 year thereafter. The Statute of Limitations provides that a claim for breach of contract may be brought for up to 6 years from the date of breach. Plaintiffs have 1 year from the commencement of proceedings to serve such proceedings on a defendant. It is recommended, therefore, that all contractual and related documentation be retained for the duration of employment and 7 years from the termination or expiration of the contract.
Records relating to employees under 18 years.		Statutory retention period: 3 years. The Protection of Young Persons (Employment) Act, 1996, at section 15, provides for a 3-year retention period of employment records relating to persons under 18 years of age.

Working Time Records	This will include details regarding weekly working hours, annual leave and public holidays, rest breaks, PPS No's, statement of duties, name/address of each employee, copy of employee contracts, copy of any notices given to employees about starting and finishing times and notice of additional working hours and TOIL.	The Organisation of Working Time Act 1997 and related Regulations (The Organisation of Working Time Act, 1997, Section 25, and the Organisation of Working Time (Records) Prescribed Form and Exemptions, Regulations 2001) provides that working time records must be retained for a minimum of 3 years from the date of creation.
Records relating to collective redundancies	The Protection of Employment Acts, 1977-2007, at section 18, provides that where an employer has collective redundancies, it must retain the records to show that the provisions of the Act were complied with for a 3-year period.	Statutory retention period – 3 years.
Records relating to Parental Leave & Force Majeure Leave Records	Parental Leave Acts, section 27	8 years Force Majeure / 12 years for Parental Leave.
Employment Permit Records		5 years or duration of employment
Carer's Leave Records		8 years
Maternity Leave Records		1 year
Adoptive Leave Records		1 year
Parents Leave		3 years
Industrial Action	Industrial Relations Acts 1946-2004	Records of trade disputes – 3 years
Staff Training Documentation		Ongoing: It is advisable to keep records of any training given to employees. This includes instruction/documentation on the performance of his/her/their role and instruction/documentation given on procedures, policies, rules and regulations operating in the company.

### Data Retention Period – Health & Safety

Category of Personal Data	Reason for Processing	Maximum Retention Duration
Records relating to workplace accidents	To record a Workplace Accident	10 years from the date of an accident under Safety, Health and Welfare at Work (General Applications) Regulation 1993, section 60).
Safety Training Documentation	To provide Safety Training	Ongoing - Ensure that all safety training is up to date, recorded and filed. This may be important in the event of a workplace accident or incident.

### Data Retention Period – Website Visitors/Event/Training Participants

Category of Personal Data	Reason for Processing	Maximum Retention Duration
Website Visitor	To provide information/service through the website.	1 year
Event Participant	To attend one of our events.	Event participant data will be retained for the period of the event, including any follow up activities, such as the distribution of reports, plus any additional time required under the terms of the grant agreement that funded the event.
Programme/training workshop participant	To attend our programme/training	Programme/training participant data (including sign in sheets) will be retained for the duration of the grant agreement that financed the programme/training, plus any additional time required under the terms of the grant agreement.

### Data Retention Period – Financial & Company Documents

Category of Personal Data	Reason for Processing	Maximum Retention Duration
Accounts, invoices, returns, audits, revenue, corporate governance, accounts payable, accounts received, banking details and other financial details.		6 years
Formal Company Documents <ul style="list-style-type: none"> <li>▪ Statutory Books</li> <li>▪ Board Minutes</li> <li>▪ Resolutions</li> </ul>		Indefinitely

## Data Destruction

Data destruction ensures that Mevagh FRC manages the data it controls and processes it in an efficient and responsible manner. When the retention period for the data as outlined above expires, Mevagh FRC will actively destroy the data covered by this policy. If an individual believes that there exists a legitimate business reason why certain data should not be destroyed at the end of a retention period, he/she/they should identify this data to his/her/their Project Manager and provide information as to why the data should not be destroyed. Any exceptions to this data retention policy must be approved by the Project Manager in consultation with the Board/Legal Advisor. In rare circumstances, a legal hold may be issued by legal counsel prohibiting the destruction of certain documents. A legal hold remains in effect until released by legal counsel and prohibits the destruction of data subject data on hold.

## Review

This policy will be reviewed every three years or sooner if required.

Signed: *Les Byrne* (Chairperson)

Date: 09 / 12 / 24

Signed: *AD Lyle* (Director)

Date: 09 / 12 / 24

## Revision History

Revision No.	Approval Date	Document Reference & Changes Made	Name