



RETENTION POLICY ON STUDENT PERSONAL DATA

1. Objective

This policy seeks to balance the benefits of keeping detailed and complete records of St. Stephen's College (including the purposes of good practice, providing life-long pastoral care for students and former students, archives or general reference) with the legal requirement on the erasure of personal data.

2. Definitions

"College" means: St. Stephen's College, Stanley, Hong Kong.

"data" means: any representation of information (including an expression of opinion) in any document, and includes a personal identifier.

"document" includes: in addition to a document in writing -

- (a) a disc, tape or other device in which data other than visual images is embodied so as to be capable, with or without the aid of some other equipment, of being reproduced from the disc, tape or other device; and
- (b) a film, tape or other device in which visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced from the film, tape or other device.

"DPP" means: any of the data protection principles set out in Schedule 1 to the Ordinance.

"Ordinance" means: the Personal Data (Privacy) Ordinance (Chapter 486 of the Laws of Hong Kong).

"personal data" means: any data -

- (a) relating directly or indirectly to a living individual;
- (b) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and
- (c) in a form in which access to or processing of the data is practicable.

"personal identifier" means: an identifier -

- (a) that is assigned to a Student by the College for the purpose of its operations; and
- (b) that uniquely identifies that Student in relation to the College, but does not include the Student's name.

"practicable" means: reasonably practicable.

"processing", in relation to personal data, includes" amending, augmenting, deleting or rearranging the data, whether by automated means or otherwise.

"School-leaving Date" means: the date on which the Student ceases to be a registered/an enrolled student of the College.

"Student" includes: any existing student or former student of the College.

3. Legal Requirements

(a) Section 26(1) of the Ordinance provides that:

"(1) A data user must take all practicable steps to erase personal data held by the data user where the data is no longer required for the purpose (including any directly related purpose) for which the data was used unless -

(a) any such erasure is prohibited under any law; or

(b) it is in the public interest (including historical interest) for the data not to be erased."

(b) DPP 2(2) provides that:

"(2) All practicable steps must be taken to ensure that personal data is not kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data is or is to be used."

(c) In other words, any personal data of a Student should be erased unless:

(i) it is still required for the purpose (including any directly related purpose) for which it is or is to be used; or

(ii) the erasure of such personal data involves taking steps which are not practicable; or

(iii) such erasure is prohibited by law; or

(iv) it is in the historical interest to retain such personal data; or

(v) it is in some other public interest to retain such personal data.

4. Legal and Pastoral Concerns

(a) It is in the interest of the administration of justice that records are retained unless the time limit for litigation has elapsed.

- (i) In the majority of cases, the limitation period for bringing a civil claim is within 6 years.
 - (ii) The limitation period does not begin to run until the Student has left the College and also, reached the age of 18 years.
 - (iii) In other words, student records should not be disposed of until 7 years have elapsed since the School-leaving Date and also, the Student has reached the age of 25 years (18 years plus 7 years).
 - (iv) If any dispute should arise between the Student and the College and/or any College staff, the retention time for student records may be extended until 1 year after the final resolution of the dispute.
 - (v) If the Student is a SEN (Special Educational Needs) student or suffers from mental incapacity, the retention time for student records may be extended on a case-by-case basis.
- (b) The time limit for prosecution of a minor criminal offence is generally within 6 months (unless another time limit is specified in the relevant legislation). For a more serious criminal offence, there is no formal time limit for the commencement of a prosecution. If the College is aware of circumstances which may involve criminal conduct affecting a Student, subject to legal advice, the retention time for student records may be extended indefinitely.
- (c) The Permanent Secretary for Education has provided the following guidance:

"For the study history and records of students, schools are the primary source of data and the data could not be recovered from elsewhere once deleted, there are legitimate and subsisting reasons for individual schools to retain such records for a period long enough for purposes such as the future provision of testimonials for certifying students' registration status at the schools, or verification of education qualifications and attainment when approached by statutory organisations, tertiary institutes, prospective employers, etc., for job interviews or further academic pursuits."

- (i) There is an expectation by Students, employers, Government agencies, members of the public etc. that the College should retain a permanent core record of student names and personal identifiers, the dates/period of study, the levels (i.e. the secondary [S] classes) attended and their outcomes.
- (ii) In addition, whilst the College continues to provide life-long pastoral care to the Student including the provision of testimonials/references and benefits to alumni and alumni's family members, there are records and data which need to be retained. These will be retained for the "life of Student" (which is taken to be 120 years from date of birth).

5. Historical Interest Concerns

The College has a history of over 100 years and is an integral part of Hong Kong's collective memory. Its student records collectively form part of Hong Kong's invaluable historical archive.

- (a) To preserve the College's archival materials, any records in the Student's personal file that have reached the end of its retention period will be disposed of by sending it to the archivist. The archivist shall be either the archivist of the St. Stephen's College archive or the archivist of an educational or other research organisation interested in preserving Hong Kong's history in education.
- (b) Before sending any Student records to the archivist, the College will remove any material which, in the College's opinion, will affect or cause distress or damage to the Student.

6. Disposal of Students' Personal Data

Regarding any records in the Student's personal file that have reached the end of its retention period and not sent to the archivist, it will be disposed of by rendering it in a condition where it cannot either be read or reconstructed. Paper records will be shredded using a cross-cutting shredder; CDs / DVDs / diskettes will be cut into pieces. Hard-copy images, AV recordings and hard disks will be dismantled and destroyed.

7. Students' Personal Data in General Records

Any personal data of a Student in the College's general records (i.e. not part of the Student's personal file) will be retained as part of the College's records of historical interest. Moreover, erasing a student's personal data from the College's general records (e.g. yearbooks, class photos, speech-day booklets etc.) will involve taking steps that are not practicable.

8. Review of Policy

This Retention Policy and the Retention Checklist will be reviewed annually to ascertain if any amendments are required due to changing legislation or operational requirements.

RETENTION CHECKLIST ON STUDENT PERSONAL DATA

Type of Record/Document FaD: Factual Data EvD: Evaluative Data		Retention Period	See Retention Policy
(1)	Admissions: FaD: application forms and related documents EvD: assessments, records of decisions	25 years from date of birth or - (if student is admitted) 7 years from Student leaving school, if later; or - (if student not admitted) up to 7 years from that decision; if later.	para.4(a)(iii)
(2)	FaD: Examination results (external) EvD: Examination results (internal)	(FaD): 7 years from Student leaving school; (EvD): 25 years from date of birth (or 7 years from Student leaving school, if later); afterwards, send to archivist.	para.4(a)(iii)
(3)	EvD: Individual Student's personal file including: - Student reports - Student performance records - Student medical records	25 years from date of birth (or 7 years from Student leaving school, if later); afterwards, send to archivist.	para.4(a)(iii)
(4)	When there is dispute between Student and the College and/or any College staff	Extend personal file's retention until 1 year after the final resolution of the dispute; afterwards, send to archivist.	para.4(a)(iv)
(5)	Student with special educational needs (SENS) or mental incapacity	Extend personal file's retention case-by-case; afterwards, send to archivist.	para.4(a)(v)
(6)	Circumstances which may involve criminal conduct	Extend personal file's retention indefinitely (subject to legal advice).	para.4(b)
(7)	FaD and EvD: The College's general records (e.g. yearbooks, class photos, speech-day booklets etc.)	Indefinite	para.7
(8)	EvD: Information required for provision of testimonials, references etc.	Life of Student.	para.4(c)
(9)	FaD: Student name and personal identifier, the dates/period of study, the levels (i.e. the secondary [S] classes) attended and their outcomes	Indefinite.	para.4(c)

