Student records guidance
A guide for HE and FE institutions

What is the aim of this guide and who is it for

This guide is limited to retention guidance for records and information relating to students. The guide is aimed at information and records professionals working within higher and further education institutions (HEIs and FEIs) as well as anyone working within those institutions who comes into regular contact with student records such as administrative, teaching and IT staff.

To achieve effective information management, it is crucial for all teams and individuals that create and handle information to be aware of the institution’s retention strategy. This will help to prevent unnecessary duplication, over-retention and data protection risk.

This guide is designed to be a strategic document rather than a complete practical guide. As there are so many different variables regarding the structure of institutions and the systems and processes they use, it was felt that trying to produce a complete how-to guide would be impractical.

Introduction

The creation and maintenance of records relating to the students of an institution are essential to:

- Managing the relationship between the institution and the student;
- Providing support and other services and facilities to the student;
- Controlling the student’s academic progress and measuring their achievement, both at the institution and subsequently;
- Providing support to the student after they leave the institution.

In addition, student records contain data which the institution can aggregate and analyse to inform future strategy, planning and service provision. An institution’s relationship with an individual student has become increasingly complex because of the range of support services institutions now provide to students, lifelong learning initiatives and the variety of systems and platforms used.

This complex data environment can create issues with duplication and record integrity as well as difficulties in extracting or transferring data across disparate systems. As the relationship between HEI/FEI and student becomes more complex, the volume and complexity of student records have also increased, as have the resources required to create, maintain, use, retain and dispose of them, irrespective of the format in which they are kept.
Data Protection Act 2018 and General Data Protection Regulation (GDPR) (EU) 2016/679

Ensuring that the personal data contained in student records is controlled and managed in line with the principles of the Data Protection Act 2018 and General Data Protection Regulation (GDPR) (EU) 2016/679 creates an additional complication. The current legislation expands on the previous Data Protection Act (1998); it gives more rights to data subjects and puts limits on how data controllers and processors may use the personal data they collect and what information must be provided to data subjects when that data is collected.

GDPR dictates that a data controller (in this case the HEI or FEI), must establish a legal basis for processing any personal data. A lot of the records, especially those in the first and final categories of record (records relating to ‘managing the relationship between the institution and the student’ and ‘providing support to the student after they leave the institution’) are likely to come under public task, legitimate interest or possibly the contract legal basis).

The individual institution needs to look at and assess what their legal basis is for the different record types they create and ensure they have recorded consent if required.¹ The institution will need to produce a retention schedule for all types of personal data and these should be reflected in appropriate privacy notices.

Due to the complexity of student records as well as data protection legislation; institutions should establish a policy on managing student records to ensure that they are handled consistently and effectively wherever they are held and whoever holds them. This policy should ensure that:

- Records relating to an individual student are complete, accurate and up to date;
- Duplication of student data is deliberate rather than uncontrolled and kept to the minimum needed to support effective administration;
- Records are held and stored securely to prevent unauthorised access to them;
- Records relating to the academic aspects of the student’s relationship with the institution are clearly segregated from those dealing with financial, disciplinary, social, support and contractual aspects of that relationship. This will enable differential retention periods to be applied to each of these to meet business and regulatory requirements.

What are student records?

Records are documents or other items which:

- Contain recorded information;
- Are produced or received in the initiation, conduct or completion of an activity;
- Are retained as evidence of that activity, or because they have other informational value.

Student records in the traditional sense have undergone many changes in the last few years and may now be contained in various databases and across many platforms. A lot of it may now be cloud-based and therefore it is more accessible but at the same time can be harder to control.

The recorded information may be in any form (e.g. text, image, sound) and the records may be in any medium or format. Student records – records associated with managing the relationship between an institution and its students – can be organised into three broad categories, each of which may be additionally divided:

1. Records documenting the contractual relationship between the student and the institution e.g. records documenting admission and enrolment, payment of tuition fees, non-academic disciplinary proceedings.
2. Records documenting the student as a learner e.g. records documenting programmes undertaken, academic progress and performance, awards.
3. Records documenting the student as an individual and consumer of services provided by the institution e.g. records documenting use of accommodation services, counselling services, library and IT support services, careers and employment services.

Most records in categories 1 and 3 have specific retention periods triggered by the formal end of a student’s direct relationship with an institution, although the information they contain may be aggregated and analysed to provide data requested by third parties (such as the Quality Assurance Agency (QAA), University and Colleges Admissions Service (UCAS), Higher Education Funding Council (HEFCE), Scottish Funding Council (SFC)).

They may also be aggregated to support the institution’s planning and development activities, for example using data analytics to identify students who are at risk. An institution will need to retain some of the records in category 2 to provide confirmatory information to potential employers (and for example if the HEI/FEI is signed up to the HEAR initiative) professional bodies and associations, and to bodies which regulate entry to medical and other professions and which assess and maintain evidence of ‘fitness to practise’ in those professions.

Who is responsible for managing student records?

HEI and FEI organisational structures vary considerably. As a result, it is difficult to specify exactly where these responsibilities should lie in any one institution. Responsibility for managing student records should be clearly defined and documented. It is important to define the responsibilities of staff involved in:

- Managing the institution’s general, contractual relationship with the student;
- Managing the institution’s relationship with the student as a learner;
- Providing technical and personal support services to the student;

for creating, maintaining, using, retaining and disposing of records documenting those activities during the student’s time at the institution.

Institutions should also designate one clear point of responsibility for maintaining complete, accurate and up to date records on every student, covering all aspects of the relationship. This will help the institution to do the following, if required:

- Demonstrate, within the provisions of limitation statutes, that its implied contract with the student has been fulfilled;

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2 Higher Education Achievement Record [http://www.hear.ac.uk/about](http://www.hear.ac.uk/about) [accessed October 2018]
• Provide information on the student’s academic performance and award(s) to potential employers (though personal references should be limited to a period of 6 years after the student leaves the institution in line with other contractual obligations, to ensure accuracy and completeness), to licensing/regulatory bodies (normally first registration only) which control entry to professions and to other organisations (e.g. those providing chartered status) as well as to the student;

• Provide information on the student as an individual as a means of enabling the institution, or others acting on its behalf, to analyse and aggregate student data for planning and developing its future programmes, recruitment activities and the facilities and services required to support future students.
Where and how should student records be stored?

The nature of student records and the personal information they contain demands that they should be stored in facilities and equipment ('hard copy' records) or electronic systems (digital records) which are, above all, secure and accessible only to authorised staff whose work requires them to have access. In addition, the facilities and equipment should provide:

- Adequate space/storage for all the records which need to be produced and retained;
- Appropriate environmental conditions for the record media used.

Storage facilities and systems should meet the same standards irrespective of where they are located and who is responsible for managing them and should be audited on an ongoing basis. Authorised staff should maintain a record of:

- The content, format and location of all student records;
- The names and designations of all staff with access to student records, and any limitations on that access;
- Student records which have been transferred to another part of the institution, particularly after the student has left;
- Organisations, professional bodies, statutory regulators to whom personal data relating to the student has been provided.

Student records should be stored and indexed or have metadata applied so that they can be identified and retrieved quickly and easily.

- Paper records should be housed in durable containers which carry only an impersonal code number related to a restricted-access list or index to prevent casual, unauthorised access. These containers should be stored in locked equipment or rooms when they are not being used to ensure that the personal data they contain is protected in line with the requirements of the Data Protection Act 2018.
- Digital records should be uniquely identified and protected with passwords and other electronic security measures. In all cases, access should be limited to those staff who have ‘a need to know’. If electronic systems are not centrally managed, designated staff should make back-up copies to prevent loss of records through accidental or intentional damage.

Whatever its format, the ‘core student record’ should be treated as a vital record and action taken to protect it from disaster or systems failure by copying and dispersal.

Vital records are records which, in the event of a disaster, are essential to maintain business continuity by continuing or resuming operations, recreating an institution’s legal and financial status and preserving the institution’s rights and fulfilling its obligations to its stakeholders

Student records will become relatively inactive once the student leaves the institution. They may then be transferred to other storage facilities or systems. At this point, duplicates of records created for administrative convenience should be destroyed so that only the designated official records survive.

Who should have access to student records?

Institutions should tightly control access to student records to prevent unauthorised use, alteration, removal or destruction of the records themselves and unauthorised disclosure of the information they contain.

Only those members of staff who need them to do their work should have access to student records and, their access should be restricted to records of the direct relationship and not to the content of the whole file.
Student records contain personal data and are therefore subject to the provisions of the Data Protection Act 2018 and GDPR, including the provision that the student, as the data subject, should be given access to personal data held, whether in digital or hard copy form.

**How long should student records be kept?**

In general, student records should be kept only for as long as is necessary to:

- Fulfil and discharge the contractual obligations established between the institution and the student, including the completion of any non-academic disciplinary action;
- Provide information on the academic career and achievements of the student to employers, licensing/regulatory bodies and other organisations, as well as to the student as part of their lifelong learning record;
- Record the activities of the student as an individual and as a consumer of student support and other institutional services as a means of managing those services and planning and developing them in the future.

The nature of the activities which give rise to these categories of records drives their retention.

- The contractual relationship between the institution and the student is subject to the same statutory limitations on action\(^3\) as any other contract. This will include records of disciplinary action taken against the student. The records should be disposed of accordingly. The date at which the student leaves the institution normally provides the retention ‘trigger’.
- The records relating to the student as a learner need to be retained for longer than other student records. Institutions accept that they have an obligation, during a student’s working life, to provide information on what they have studied and achieved, i.e. a Transcript. The proposed lifelong learning record or progress file\(^4\) would also include additional data on relevant non-academic achievements and activities (e.g. voluntary work). The retention period for these records should reflect the need to fulfil this obligation over prolonged periods of time, perhaps for the lifetime of the student. It is important to segregate these records from those relating to other aspects of the relationship so that non-academic records are not retained for unnecessarily lengthy periods, consuming storage resources and creating potential breaches of the Data Protection Act 2018.
- Records relating to the student as an individual and as a user of student support and institutional services are relatively short term and should be retained for a short finite period once the student leaves the institution. This period should be shorter than for records relating to the wider contractual arrangements.

The institution should define the minimum content of the ‘core student record’.\(^5\) This was defined loosely by KCL during a pilot project compiled for Jisc in 2003; see this link for the full report.

The KCL report suggests that the core record contain: ‘student name and identifier, date of birth, address at initial commencement and completion/termination, educational background, course and dates, performance/assessment, name, date and result of award’.

It should be noted that this may be required for references given to an employer or professional body once the student has graduated. Institutions may decide to hold a core transcript for the lifetime of the student (suggested as

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3 e.g. Limitation Act 1980, Prescription & Limitation (Scotland) Act 1973
5 See What Is a Student Record? A Case Study by King’s College London for discussion of this issue. Also, see the HEAR website for more information on lifelong learning records [http://www.hear.ac.uk/](http://www.hear.ac.uk/) [http://www.jisc.ac.uk/whatwedo/programmes/programme_supporting_irm/project_studentrecord.aspx](http://www.jisc.ac.uk/whatwedo/programmes/programme_supporting_irm/project_studentrecord.aspx) [accessed October 2018]

being 80 years) and even possibly retain a further pared down transcript for a longer period, depending on institutional requirements. This may be transferred to the archive if the institution has one.

Each individual institution should decide whether it wishes to retain core student records permanently to support wider academic and personal research. From a purely business point of view the institution need only retain records which allow it to provide a transcript showing when a student attended the institution, what courses they followed while they were there, and the grades achieved, the final degree awarded, and any academic distinctions achieved.

Individual institutions should decide whether they wish to retain this data for research purposes once immediate institutional business needs have been met.

When deciding whether to retain any core records indefinitely, the institution will need to take account of:

- The cost and technical difficulty of maintaining records, even in summary form, permanently;
- The security and subject access implications of retaining personal data relating to named individuals;
- The need to create and maintain finding aids so that individual records can be easily and quickly retrieved when required, particularly to meet subject access requests.

**How should student records be destroyed?**

Student records should be destroyed in line with agreed retention periods. Destruction should be authorised by staff with appropriate authority and it should be carried out in accordance with the institution’s procedures for the destruction of redundant records containing personal data.

The authority for destruction and the date of destruction should be recorded and held by the section of the institution with final responsibility for the student record.
Requirements of professional licensing/regulatory bodies

The following organisations were contacted to request information on any specific requirements that they might have for the extended retention of student records to support the registration or regulation of students entering specific professions, particularly the healthcare professions.

- The General Medical Council
- The General Dental Council
- The Nursing and Midwifery Council
- The Royal Pharmaceutical Society
- The Law Society
- The Solicitors Regulation Authority
- Royal Institute of British Architects

It is clear, that such organisations may need to ask for information contained in a student record when following up fitness to practise concerns which are identified in the self-declaration or registration process.

Comments on this were received from the following institutions:

**The General Medical Council**

The GMC responded to say that although they cannot recommend specific retention period, that HEI/FEIs should consider what data has already been passed to the GMC an earlier stage (e.g. application).

When considering the retention of any fitness to practise data that does not fall into this category, such as when a student has left before graduation, this would give reasonable justification for longer retention as the consequences for not retaining this data are potentially serious (e.g. if the student should move to another medical school and try to obtain registration).

They also suggested that different fitness to practise concerns be given different retention treatment, based for example on the seriousness of the sanction and whether it was upheld or not as well as the nature of the sanction such as whether it was health or conduct related.

Read the GMC’s own retention periods (pdf).

**The Nursing and Midwifery Council**

The NMC suggest the following points to bear in mind when considering retention. This is based on the types of information sought from universities in the past:

- “Confirmation that a nurse or midwife has declared a criminal conviction to their university where the conviction predated their NMC registration and the university has provided a good character reference;
- Confirmation of evidence of identity where a concern has been raised regarding possible false identity documents or identity fraud;
- Confirmation of pre-university qualifications where there is an allegation that a registrant has submitted false A-level or GCSE certificates to gain entry onto a course;
- Information about serious Fitness to Practice concerns raised about a registrant whilst at university;
- Evidence of training undertaken where there is a suspicion that the registrant has provided false information about training.”