

IT Policies

Personal Data Retention Policy

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Description
IT Policy related to Personal Data Retention



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1. Introduction

1.1. Subject of the document

The General Data Protection Regulation (GDPR) came into force on May 25, 2018. Article 5 introduces the obligation to keep personal data recorded only for the time necessary for the purpose for which it is collected.

This principle is closely linked to the obligation to avoid retaining personal data that is inaccurate, outdated or irrelevant. Keeping personal data longer than the time strictly required to exploit it can cause the following problems:

- Increase the risk of data becoming obsolete, and that this outdated information will be used in error, to the detriment of all the natural persons concerned.
- To endanger the quality control of the data, because of an excessive temporality.

When QUITO or one of its subsidiaries no longer needs personal data, we must ensure that it is stored securely to avoid the risk of fraudulent leakage, misuse, or unauthorized access.

1.2. Range

The GDPR defines the maximum retention periods for the registration or processing, both structured and unstructured, of personal data.

1.3. Targeted Audience

Targeted audience:

- People whose data is needed to use business software;
- People in contact with the controller as part of a recruitment process or for any contact in general;
- Customers and suppliers of the controller.

2. Reference Text

Following text are extracted from RGPD [1].

Article 5 of the GDPR: Principles for the processing of personal data

1. Personal data should be:

(c) *adequate, relevant and limited to what is necessary in terms of the purposes for which they are processed (minimizing data);*

(e) *kept in a form that allows the identification of the persons concerned for a period of time that does not exceed what's required for the purposes for which they are processed; personal data may be kept for longer periods of time to the extent that they are treated only for public interest archiving, scientific or historical research, or for statistical purposes pursuant to Article 89, paragraph 1, subject to implementation of the appropriate technical and organizational measures required by this regulation to safeguard the rights and freedoms of the person concerned (principle of limitation of conservation).*

3. Methodology

3.1. Maximum retention period for personal data

The GDPR does not define a minimum or maximum retention period for personal data. It establishes that personal data collected for any purpose should not be kept for longer than necessary.

In addition, **QUITO** will also comply with specific binding legal provisions regarding the retention of data applicable in each country where **QUITO** or one of its subsidiaries operates.

3.1.1. Retention period based on the processing purpose

The personal data of **QUITO** -or one of its subsidiaries- customers, suppliers and employees will be kept in the data bases for as long as the relationship between them and these people lasts. When this relationship ends, the question arises of how long their personal data will be kept.

QUITO defines standard retention periods for all kinds of personal data, as the retention period depends primarily on the purpose for which the data was collected.

3.1.2. Retention period according to the GDPR

The legal provisions regarding data retention are present in several sources of national legislation: most countries provide a general rule in their Commercial Code and their Civil Code, and additional rules in the tax regulations or, more rarely, special orders for the retention of documents (e.g., anti-money laundering).

For instance, **QUITO** chooses to apply the following periods for data retention:

Type of data	Data retention time
Recruitment files (CV, diplomas, interviews...)	Immediate destruction if the candidate fails. Opportunity to keep the CV 6 months after the last contact with the candidate. 2 years if you have the consent of the candidate
Lead information	Prospects, not customers: 3 years Customers: until the end of the business relationship
Contracts with a merchant or non-trader	5 years

3.1.3. Exceptions

Personal data may be retained indefinitely provided that the confidentiality of this data is guaranteed:

- For commercial, contractual or legal considerations (1);
- For public interest, scientific or historical research purposes (2);
- For statistical purposes (3);
- To exercise or protect one's right in court (4).

The processing of personal data for historical, statistical or research purposes shall be appropriately protected from the rights and freedoms of the person concerned. These safeguards ensure that technical and organizational measures are in place. These measures are addressed in the following paragraphs as per archiving or alternatives to data deletion.

QUITO

3.2. Archiving process for personal data

3.2.1. Selective archival

QUITO considers that a retention period and a termination process, as described in chapter [3.3 Termination process for personal data](#), are the main rules to deal with personal data. Archiving may be considered in order to respect commercial or legal obligations and motivated by a clear rationale.

3.2.2. Archiving methods

Depending on the system and the personal data concerned, QUITO will consider:

- Active database or location, where a logical separation is implemented (location and access rights);
- Dedicated database or location, separate from the original database with specific access restrictions.

For final archiving, the latter will be applied.

3.2.3. Secured archival

QUITO implements organizational and technical measures to protect archived data. These measures are adapted depending on the type of data, the system concerned and the risks associated. These measures also apply to removable media and in case the archival process is outsourced.

These protection means involve encryption, specific access rights and physical protection.

3.3. Termination process for personal data

QUITO implements technical and organizational processes, according to commercial and legal norms when it comes to personal data termination at the end of the retention period and when no archiving process is required.

3.3.1. Deletion of personal data

Several methods are considered by QUITO depending on the nature of the personal data and the systems:

- Automated deletion implemented in the system or run by an external process such as a script;
- Manual deletion either with immediate effect or during the annual review of the system.

Part of the annual user review conducted in the systems is dedicated to make sure that the deletion was conducted.

3.3.2. Technical alternatives to the data deletion

The **anonymization** or **pseudonymization** of personal data is considered appropriate means for protecting the interests of the person concerned. Pseudonymization means that an individual can still be identified through indirect or additional information. Anonymization means that you cannot restore the original information. According to GDPR, these “neutral” data may be kept without retention limit for historical, statistical or research purposes.

For pseudonymized personal data, since the individual can still be identified, the information that would permit such identification shall be considered as archived data and be protected the same way.

QUITO only consider anonymization as an alternate process to deletion.

3.4. Information obligations related to personal data retention

QUITO will inform the concerned persons of:

- The retention period or the corresponding criteria for retention;
- The termination process applied to the data at the end of the retention;
- The possible archiving of the data if termination is not applicable
- Any changes on one of the previously mentioned dispositions after the collection phase.

3.5. QUITO implementation

The following information are identified in the [QUITO Data Processing Register \[2\]](#):

- Data retention criteria;
- Data archiving dispositions and rationale for archiving;
- Data termination dispositions.

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[1] GDPR

<https://gdpr-info.eu/>

[2] QUITO Data Processing Register

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