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## Data Retention Policy

**Policy Number – G15**

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<b>Prepared By</b>	Corporate Services
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## 1. Purpose

- 1.1 In the course of carrying out its various functions and activities, the Clyde Valley Group (CVG) collects information from individuals and external organisations and generates a wide range of data/information which is recorded. These records can take many different forms, for example:
- Letters received from third parties.
  - Copy letters which have been sent out.
  - File attendance notes.
  - Invoices.
  - Completed application forms.
  - Plans/drawings.
  - Financial records.
  - Registers.
  - Contracts/deeds.
  - E-mail communications (and any attachments).
  - Photographs.
- 1.2 In the case of CVG, most of the above documents are retained in electronic form.
- 1.3 Retention of specific documents may be necessary to:
- Fulfil statutory or other regulatory requirements.
  - Evidence events/agreements in the case of disputes.
  - Meet operational needs.
  - Ensure the preservation of documents of historic or other value.
- 1.4 The untimely destruction of documents could cause CVG:
- Difficulty in defending litigious claims.
  - Operational problems.
  - Embarrassment.
- 1.5 Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:
- To contribute to CVG's 'paper free' working ethos.
  - To free up storage space.
  - Disposal of existing documents can free up space for more productive activities.
  - Indefinite retention of personal data may be unlawful.
  - Reduction of fire risk (in the case of paper records).
  - There is evidence that the de-cluttering of office accommodation can be psychologically beneficial for many workers.
- 1.6 Modern day records management philosophy emphasises the importance of organisations having in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes.

## **2. Scope and Purpose**

2.1 The purpose of this policy is to provide a corporate policy framework to govern management decisions on whether a particular document (or set of documents) should either be:

- Retained – and if so in what format, and for what period; or
- Disposed of - and if so when and by what method.

## **3. The Retention/Disposal Protocol**

3.1 Any decision whether to retain or dispose of a document should be taken in accordance with the retention/disposal protocol and in line with the Retention Schedule contained in Appendix 1. This provides guidance on recommended and mandatory minimum retention periods for specific classes of documents/records.

3.2 Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming. Where the Director/Manager is familiar with the contents of the document or where the contents are straightforward and easily apparent then such an exercise may only take a few minutes.

3.3. In the event where clarification on disposal is required you should liaise with the HR & Corporate Services Manager who will assist here.

## **4. Disposal**

4.1 Disposal can be achieved by a range of processes:

- Confidential waste – *using the designated bins within the offices.*
- Recycling waste - *using the designated bins within the offices.*
- Deletion – where computer files are concerned.
- Migration of document to external body.

4.2 The procedure for the destruction of confidential or sensitive waste on electronic media such as tape, disk, cassette/cartridge, hard drives, CD-ROM, DVD, USB sticks and ZIP drive, and any subsequent backup copies is as follows:

- Media that are being destroyed because they are showing signs of damage or are obsolete should be physically destroyed by being cut into pieces or other ways prior to disposal.
- Where disks, tapes, DVD or CD ROM are being used to supply data to third parties they should, be encrypted before leaving the office.

4.3 Under no circumstances should paper documents containing personal data or confidential information or electronic data sources be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of such information to third parties, and render CVG liable to prosecution or other enforcement action under the Data Protection Act. Such documents should be destroyed by placing these in the “Confidential Waste” refuse bins or as outlined above.

- 4.4 Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records have intrinsic value. This could include the sale of documents/services to a third party.
- 4.5 Recycling – wherever practicable disposal should further recycling, in-line with the CVG’s commitment to sustainable development.

## **5. Data Protection Act 2018**

- 5.1 All staff need to be aware that under the Data Protection Act personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful. The Data Protection Legislation contains no interpretive provisions on this provision. It is a matter for reasonable judgement and common sense as to how long personal data should be retained.
- 5.2 Clearly, in many instances the retention of personal data will be necessary and thus justified for a very long period of time. In general, provided there is adherence to this Policy few problems should arise.

## **6. Retention Schedule**

- 6.1 The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further use. Data and records should not be kept for longer than is necessary. This principle finds statutory form in the Data Protection Act 2018, the General Data Protection Regulation (EU) 2016/679 (the “**GDPR**”), the Privacy and Electronic Communications (EC Directive) Regulations 2003, all other applicable EU and UK data protection laws, including those that are made as a consequence of the UK leaving the EU; and any legislation or laws that amend the above.
- 6.2 This requires that personal data processed for any purpose "shall not be kept for longer than is necessary for that purpose". No data file or record should be retained for more than five years after it is closed unless a good reason for longer retention can be demonstrated. It is to be emphasised that the period of five years is a maximum period. It may well be appropriate having regard to the nature of the record to opt for a shorter period.
- 6.3 Reasons for longer retention will include the following:
- Statute requires retention for a longer period (see Appendix A).
  - The record contains information relevant to legal action which has been started or is in contemplation.
  - Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.
  - The record should be archived for historical or research purposes, e.g. the record relates to an important policy development or relates to an event of local or national purpose.
  - The records are maintained for the purpose of retrospective comparison.

- The records relate to individuals or providers of services who are judged unsatisfactory. The individuals may include employees who have been the subject of serious disciplinary action.

6.4 This retention schedule contains retention periods for the different records created and maintained by CVG in the course of its business. Some retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the Data Protection Act 2018.

## Appendix A



### Data Retention Schedule

The table below sets out retention periods for Personal Data held and processed by the Association. It is intended to be used as a guide only. The Association recognises that not all Personal Data can be processed and retained for the same duration, and retention will depend on the individual circumstances relative to the data subject whose Personal Data is stored.

Type of record	Retention time
Membership records.	5 years after last contact.
Personnel files including training records and notes of disciplinary and grievance hearings.	5 years to cover the time limit for bringing any civil legal action, including national minimum wage claims and contractual claims.
Redundancy details, calculations of payments, refunds, notification to the Secretary of State.	6 years from the date of the redundancy.
Application forms, interview notes.	Minimum 6 months to a year from date of interviews. Successful applicant's documents should be transferred to personal file.
Documents proving the right to work in the UK.	2 years after employment ceases.
Facts relating to redundancies.	6 years if less than 20 redundancies. 12 years if 20 or more redundancies.
Payroll.	3 years after the end of the tax year they relate to
Income tax, NI returns, correspondence with tax office.	At least 3 years after the end of the tax year they relate to.
Retirement benefits schemes – notifiable events, e.g. relating to incapacity.	6 years from end of the scheme year in which the event took place.
Pension records.	12 years after the benefit ceases.
Statutory maternity/paternity and adoption pay records, calculations, certificates (MAT 1Bs) or other medical evidence.	3 years after the end of the tax year to which they relate.
Parental leave.	18 years.

Type of record	Retention time
Statutory Sick Pay records, calculations, certificates, self-certificates.	3 years.
Wages/salary records, expenses, bonuses.	6 years.
Records relating to working time.	2 years from the date they were made.
Accident books and records and reports of accidents.	3 years after the date of the last entry.
Health and safety assessments and records of consultations with safety representatives and committee.	Permanently.
Health records.	During employment and 3 years thereafter if reason for termination of employment is connected to health.
Board members documents.	5 years after cessation of membership.
Documents relation to successful tenders.	5 years after end of contract.
Documents relating to unsuccessful form of tender.	5 years after notification.
Applications for accommodation.	For the duration that the applicant is on the housing list. Where the application is unsuccessful, then for 5 years after the date of application.
Housing Benefit notifications.	Duration of tenancy.
Tenancy files.	Duration of tenancy.
Complaints from Tenants	2 years after complaint closed.
Former tenants' files (key information).	5 years after the termination/expiry of the tenancy.
Third party documents relating to care plans.	Duration of tenancy.
Records relating to offenders and ex-offenders (e.g. sex offender register).	Duration of tenancy.
Lease documents.	5 years after lease termination.
ASB case files.	5 years/end of legal action.
Board meetings/residents' meetings.	1 year. – Does not refer to minutes of meetings as these must be permanently retained.
Minutes of factoring meetings.	Duration of appointment.