



Retention of Documents

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Owner:	Lyn Docherty	Job Title:	Head of Compliance and Improvement
To be issued to:		Board of Management Ark Management All Staff	
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Version Control

Date	Owner	Version	Reason for Change
Sept 2021	Lyn Docherty	1.0	New Data Protection Policy updated on appointment of new DPO and this new procedure created to replace Arks out of date Retention Policy and Schedule

Summary of Changes

Section	Change
All	New procedure and updated schedule



Retention of Documents

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1.0 Introduction

The UK General Data Protection Regulation (UK GDPR) provides that organisations which process personal data must not retain that data for any longer than is necessary for the purposes for which the personal data are processed.

This procedure details Ark's approach to the retention, deletion and destruction of personal data. All Ark personnel are obliged to familiarise themselves with this policy and refer to it on an ongoing basis to ensure that its terms are implemented and complied with.

This procedure applies to all Board of Management members, employees, volunteers (temporary and permanent) (referred to herein as 'Ark personnel').

2.0 Storage of Personal Data

Ark stores personal data in a variety of ways. This includes hard copy documents, emails, digital documents stored on desktop computers, laptops, phones and other devices, data stored on our servers and in our cloud-based storage, along with data stored by third parties on our behalf.

When updating, rectifying, erasing and deleting any personal data, due care must be taken to ensure that all personal data held in all locations (including back-up storage) and in all forms is dealt with securely and to ensure that a consistent and accurate record of personal data is maintained.

3.0 Retention of Personal Data

Different types of personal data may need to be retained for different periods of time depending on the purposes for which the data is processed and the legal and regulatory retention requirements in relation to certain categories of data.

In determining the appropriate retention period consideration should be given to the following factors:

- The purposes for which the personal data is processed;
- The legal basis for processing that personal data;

- Legal requirements for retention (particularly employment and health and safety law); and
- Regulatory requirements.

An appropriate retention period should be identified for each category of personal data. Data subjects must be informed of the retention period which applies to their personal data or, if there is no fixed retention period, the criteria used to determine that period; and where the purposes for which the data is processed have changed, any new retention period.

All personal data processed by Ark shall be retained in accordance with the periods set out in the retention schedule below.

Personal data will be retained in accordance with the appropriate retention period and permanently deleted and/or securely destroyed in accordance with this policy. No personal data shall be destroyed or deleted other than in accordance with this policy.

4.0 Review and Deletion of Personal Data

A review of the personal data processed by Ark will be carried out every 2 years. During the course of this review we will:

- Review the retention periods for each category of personal data processed and whether any alteration to these periods is required.
- Identify personal data which is due for destruction and deletion.
- Arrange for the secure deletion and destruction of personal data which will no longer be retained.

5.0 Data Subject Rights

Under the UK GDPR data subjects are entitled, in certain circumstances, to require the erasure of their personal data. Any request from a data subject must be passed to the Data Protection lead.

A data subject may insist on erasure of their personal data where:

- It is no longer necessary for the purposes for which it was processed;
- Where consent has been withdrawn by the data subject;
- Where there is no legal basis for the processing of the data; or
- Where there is a legal obligation to delete the data.

The data subject's rights to erasure are not absolute and do not apply to personal data where processing is necessary for:

- Exercising the rights of freedom of expression;
- To comply with a legal obligation in the public interest or in the exercise of an official authority;
- For public health reasons;
- For archiving purposes; and
- For the establishment, exercise or defence of legal claims.

Where personal data is erased following receipt of a request by a data subject Ark will confirm in writing to the data subject that their personal data has been destroyed. Such a response shall be issued to the data subject unless it is impossible or requires disproportionate effort to do so.

Where any request for erasure is refused, Ark will advise the data subject in writing that their request has been refused and detail the reasons for refusal.

6.0 Monitoring and Reporting

Regular monitoring and audits will be undertaken by the Data Protection lead and/or DPO to check compliance with the law, this policy and associated procedures. Any concerns will be raised with the Head of Compliance and Improvement.

7.0 Implementation and Review

7.1 Implementation

The Senior Leadership Team (SLT) is responsible for ensuring that this procedure is implemented throughout the organisation.

7.2 Review

This procedure will be reviewed every 3 years or when required to address any weakness in the procedure or changes in legislation or best practice.

Appendix 1 – Data Retention Schedule

RETENTION OF DOCUMENTS - SCHEDULE

ITEM	RETAIN FOR	FORMAT	RESPONSIBLE
Governance			
Association Rules (Constitution)	Life of Company	Electronic	Chief Executive
Registration Certificates (Registered Society, SHR)	Life of Company	Electronic	Chief Executive
Annual returns to FSA, SHR, OSCR etc.	Life of Company	Electronic (scanned if required)	Chief Executive
Annual returns – working papers	3 years	Electronic	Chief Executive
Register of Members & Share Certificates	Life of Company	Electronic (Register) Electronic (Certificates)	Chief Executive
AGM & EGM minutes (signed copy)	Life of Company	Paper (for current & previous years) then electronic (scanned)	Chief Executive
Register of Board Members	Life of Company	Electronic	Chief Executive
Board & Sub-Committee minutes (signed copies)	Life of Company	Paper (for current & previous years) then electronic (scanned)	Chief Executive
Sub-Committee minutes (unsigned)	Life of Company	Electronic	Chief Executive
Senior Leadership Team minutes	Life of Company	Electronic	Chief Executive
Declarations of Interest/Register of Interests Register of Benefits or Payments to Board/Staff	Life of Company	Electronic	Chief Executive
Register of Undertakings & Seal Register	Life of Company	Paper and Electronic	Chief Executive
Register of Interests	Life of Company	Electronic (scanned)	Chief Executive
Register of Disposals (Section 107 Register)	Life of Company	Paper	Chief Executive
Complaints records	5 years (from final reply)	Electronic	Chief Executive
Business Plan	5 years (from completion)	1 st year – paper, then electronic	Chief Executive
Policies – current versions	Life of Company	Electronic	Chief Executive
Policies – all previous versions	Life of Company	Electronic	Chief Executive

ITEM	RETAIN FOR	FORMAT	RESPONSIBLE
Insurance			
Policies	3 years after lapse	Electronic (scanned if required)	Head of Compliance & Improvement
Annual insurance schedule	6 years	Electronic (scanned if required)	Head of Compliance & Improvement
Employer's Liability Insurance Certificate	40 years	Electronic	Head of Compliance & Improvement
Indemnities and guarantees	6 years after expiry	Electronic	Head of Compliance & Improvement
Claims correspondence	3 years after settlement	Electronic (scanned if required)	Head of Compliance & Improvement
Finance, Accounting & Tax			
Annual accounts & annual review – signed copy	Life of Company	Electronic (scanned if required)	Director of Finance
Financial records – including purchase & sales ledgers, cash, VAT, journals, In Trust accounts	6 years after year end	Electronic (scanned if required)	Director of Finance
Tax returns and records	6 years from year end	Electronic (scanned if required)	Director of Finance
Budgets & internal finance reports	2 years	Electronic	Director of Finance
HAG documentation	Life of Company	hard copy or scanned	Head of Asset Management
Cheque books, pay-in books	6 years after last date	Hard copy	Director of Finance
Bank statements	6 years after year end	hard copy or scanned	Director of Finance
Contracts and Agreements			
Contracts under Seal and/or executed as deeds	12 years after project end incl. defects period	1 st year – hard copy, then Electronic (scanned if required)	Director of Development & Business Improvement

Contracts for the supply of goods & services, incl. professional services and agreements with Local Authorities on support packages	6 years after contract end	1 st year – hard copy, then Electronic (scanned if required)	Director of Finance
Loan agreements	12 years after last payment	1 st year – hard copy, then Electronic (scanned if required)	Director of Finance

ITEM	RETAIN FOR	FORMAT	RESPONSIBLE
Contracts and Agreements (cont'd)			
Licensing, rental and hire purchase agreements	6 years after expiry	Electronic (scanned if required)	Director of Finance
Indemnities and guarantees	6 years after expiry	Electronic (scanned if required)	Director of Finance
Documents relating to successful tenders	6 years after contract end	Electronic (scanned if required)	Director of Finance
Documents relating to unsuccessful tenders	2 years after notification	Electronic (scanned if required)	Director of Finance
Care and Support			
Service file- Residential Home/ Home Care/ Housing Support Services- major records such as strategy, planning, monitoring, register of admissions and discharges, visitors books, meetings, correspondence	6 years from current	Hard copy or Electronic	Director of Care and Support
Service file- Residential Home/ Home Care/ Housing Support Service management records- minor records	2 years from current	Hard copy or Electronic	Director of Care and Support
Notification records from a residential home/home care/ Housing Support service to the Care Inspectorate- eg Death of service user, details of medication administered to service user without their consent (or the consent of people authorised to consent on their behalf), the appointment of a manager for a home care service, proposed absence of a manager of a home care service for a continuous period of 28 days or more , proposed changes to the management of a home care service	3 years from current	Hard copy or Electronic	Director of Care and Support
Case file – client- Records documenting the preparation, review and revision of a 'personal plan' for a service user, financial transactions undertaken for a service user; administration of medicines to a service user;	Either: 5 years from termination of service provision (eg termination of contract)	Hard copy or Electronic	Director of Care and Support

Liaison with social workers regarding the type of care being provided to a service user or problems with providing home care.	or 3 years from death of service user		
Employment			
Former employees' personnel records, including copy contracts, sickness records, references to other employers etc. (excl. ID & Disclosure details – removed)	6 years from termination	1 st year hard copy, then scanned	Director of People and Organisational Development
General statements of Terms & Conditions	6 years from date replaced	Electronic	Director of People and Organisational Development
Former employees - training records database	50 years from termination	Electronic	Director of People and Organisational Development
Applications/Interviews: Unsuccessful applications, shortlists, interview notes	6 months after interview	Hard copy	Director of People and Organisational Development
Trade union agreements	10 years from date replaced	Electronic (scanned)	Director of People and Organisational Development
Employment (cont'd)			
Salary/wage details incl.: PAYE, NI, P45, P60, SSP, Mat. pay, expenses etc. – current staff	Duration of employment	Electronic	Director of People and Organisational Development
Salary/wage details incl.: PAYE, NI, P45, P60, SSP, Mat. pay, expenses etc. – former staff	6 years from termination	Electronic	Director of People and Organisational Development
Redundancy details, payments & refunds	12 years from termination	1 st year hard copy, then scanned	Director of People and Organisational Development
Pension schemes			
Actuarial valuations	Life of Company	Electronic (scanned)	Director of Finance
Pension fund contribution returns	Life of Company	Electronic (scanned)	Director of People and Organisational Development

Annual reconciliations of fund contributions	Life of Company	Electronic (scanned)	Director of People and Organisational Development
Money purchase details	6 years after transfer or value taken	1 st year hard copy, then scanned	Director of People and Organisational Development
Qualifying service details	6 years after transfer or value taken	1 st year hard copy, then scanned	Director of People and Organisational Development
Pensioner records	12 years after benefits cease	Electronic (scanned)	Director of People and Organisational Development
Records relating to retirement benefits	6 years after retirement	1 st year hard copy, then scanned	Director of People and Organisational Development
Health & Safety (H & S)			
Incident reports (including accidents)	10 years from incident date	Electronic	Director of People and Organisational Development
H & S assessments, Risk Assessments	While they are relevant*	Electronic (scanned)	Director of People and Organisational Development
Consultations, meetings etc. with safety reps.	Life of Company	Electronic	Director of People and Organisational Development
Health & Safety statutory notices	5 years after compliance	Electronic (scanned)	Director of People and Organisational Development
*‘Relevant’ above means ‘whilst the associated work task or activity is being undertaken, and risks are identified as part of that task or activity, and for a period of 3 years after the activity or task has ceased’			
Tenancy records			
Current tenant files – application form, tenancy agreement, housing benefit notifications	Duration of tenancy	Electronic (scanned)	Head of Housing Services
Former tenant files – excl. non-essential details NB: Data Protection requirements re. details received from 3 rd parties - Police, Social Work etc. - e.g. re. anti-social behaviour cases	3 years	Electronic	Head of Housing Services
Cancelled applications	3 months from cancellation	Electronic	Head of Housing Services

Rent payment records	6 years after year end	Electronic	Head of Housing Services
Bank Statements	6 years after year end	Hard copy or scanned	Head of Housing Services
Property records			
Lease of property from/to another agency/organisation	12 years after end of lease	1 st year hard copy, then Electronic (scanned if required)	Head of Asset Management
Abstracts of title	12 years after interest ceases	1 st year hard copy, then Electronic (scanned if required)	Head of Asset Management
Planning & Building Control permissions	12 years after interest ceases	1 st year hard copy, then scanned	Head of Asset Management
Property maintenance records – general repairs, planned/cyclical maintenance, major repairs, improvements	Life of Company (or until no longer used/owned)	Electronic, or current plus 1 st year paper then scan	Head of Asset Management
Property maintenance records – annual/statutory safety or maintenance checks	Life of Company (or until no longer used/owned)	Electronic, or current plus 1 st year paper then scan	Head of Asset Management
Development/refurbishment projects - general	12 years after all issues settled	1 st year hard copy then scanned	Head of Asset Management
Development/refurbishment projects – building plans, Health & Safety files	Life of Company (or until no longer used/owned)	Hard copy or scanned, depending on requirements	Head of Asset Management
Consultants reports, professional opinions	6 years from receipt	Electronic, or 1 st year hard copy & scanned	Head of Asset Management
HMO License	Duration of valid period	Hard copy	Head of Asset Management
Expired HMO License	Last valid copy only	Hard copy	Head of Asset Management