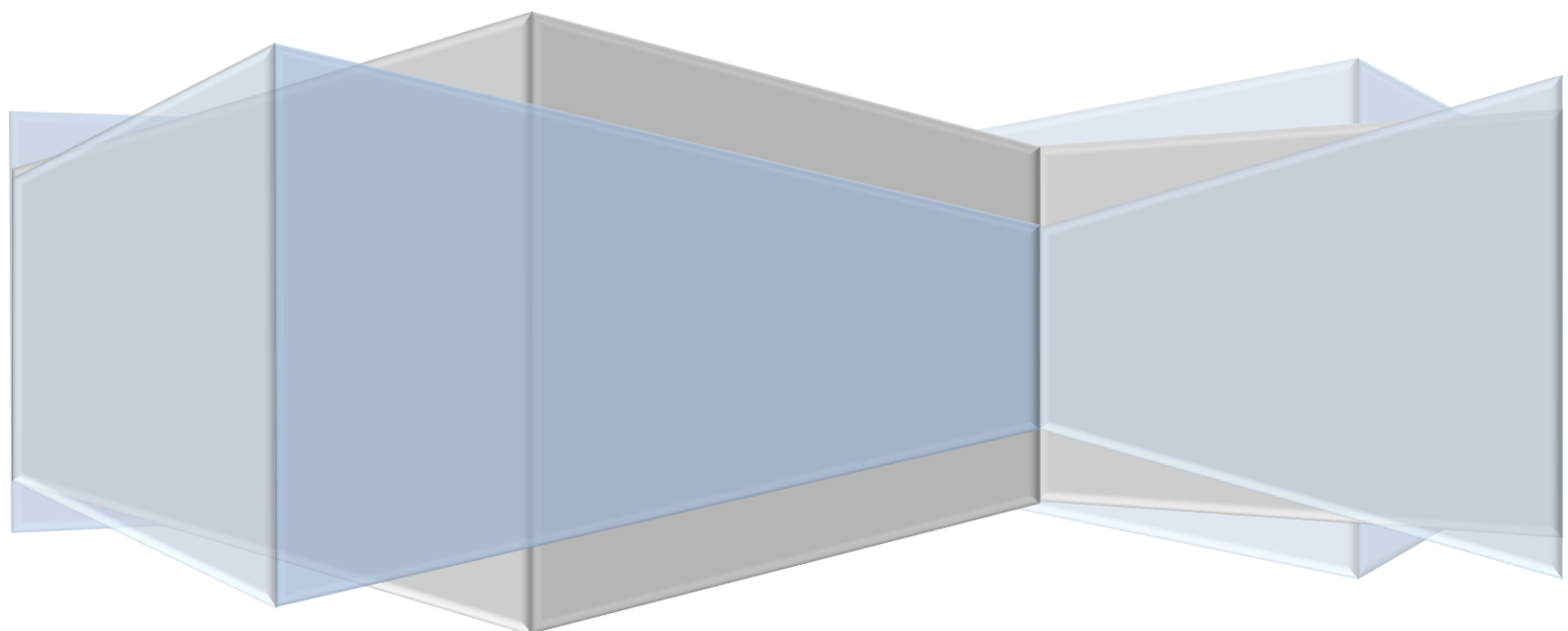




DATA RETENTION POLICY & SCHEDULE

May 2020



All Policies are available on tape, in braille and in translation into most languages. Please ask a member of staff if you would like this policy in a different format.

Date of Policy Review: May 2020
Date of Committee Approval: 19 May 2020
Date of Next Review: May 2023

SCOTTISH HOUSING REGULATOR STANDARDS

STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

STANDARD 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. Its primary focus is the sustainable achievement of these priorities.

STANDARD 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

STANDARD 5: The RSL conducts its affairs with honesty and integrity.

STANDARD 6: The governing body and senior officers have the skills and knowledge they need to be effective.

Contents

Page No.

Introduction	1
Purpose	1
Storage of Personal Data	1
Retention of Personal Data	1
Review and Deletion of Personal Data	2
Data Subject Rights	2
Monitoring and Review	2
Data Retention Schedule	3

Introduction

The General Data Protection Regulation (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.

Purpose

This policy details the approach of Cathcart & District Housing Association to the retention, deletion, and destruction of personal data. All members of staff 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.

Storage of Personal Data

Cathcart & District Housing Association 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.

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:

- a) the purposes for which the personal data is processed;
- b) the legal basis for processing that personal data;
- c) legal requirements for retention (particularly employment and health and safety law); and
- d) 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 Cathcart & District Housing Association 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.

Review and Deletion of Personal Data

A review of the personal data processed by Cathcart & District Housing Association will be carried out on an annual basis. During the course of this review we will:

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

Data Subject Rights

Under the 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 Corporate Service Officer as soon as possible.

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

- a) it is no longer necessary for the purposes for which it was processed;
- b) where consent has been withdrawn by the data subject;
- c) where there is no legal basis for the processing of the data; or
- d) 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:

- a) exercising the rights of freedom of expression;
- b) to comply with a legal obligation in the public interest or in the exercise of an official authority;
- c) for public health reasons;
- d) for archiving purposes; and
- e) for the establishment, exercise or defence of legal claims.

Where personal data is erased following receipt of a request by a data subject Cathcart & District Housing Association 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, Cathcart & District Housing Association will advise the data subject in writing that their request has been refused and detail the reasons for refusal.

Monitoring and Review

This policy was last updated in May 2020 and shall be regularly monitored and reviewed, at least every three years.

DATA RETENTION SCHEDULE

CORPORATE AND GOVERNANCE

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Confirmation letter of charitable registration	Locked cabinet in Director's Office	Statutory Requirement	Permanently	No specific statutory retention period. NFHA best practice – permanently	Funders, Solicitors, HM Revenue & Customs
HMRC confirmation Letter re charitable status	Locked cabinet in Director's Office	Tax purposes	Permanently	No specific statutory retention period. NFHA best practice – permanently	Regulatory bodies
Registration documents	Locked cabinet in Director's Office	Statutory Requirement	Permanently	No specific statutory retention period. NFHA best practice - permanently	Publicly available
Memorandum and Articles of Association (Rules)	Locked cabinet in Director's Office and Rules displayed on CDHA Website	SFHA Charitable Rules	Permanently	No specific statutory retention period. SFHA best practice permanently	Publicly available
Minutes of Committee Meetings	On secure hard-drive and signed originals kept in Committee room. Approved copies on website	Record of Committee Meetings	Permanently	CA Signed originals must be kept	Scottish Housing Regulator, Auditors. Publicly available

CORPORATE AND GOVERNANCE

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Certificates of Employers' Liability Insurance	Certificate displayed on board in Reception and copy kept in Finance Office	The Employers Liability (Compulsory Insurance) Act came into force on 1 January 1999. Authorised inspectors now have the power to require employers to provide them with a copy of both current and past certificates.	40 years	Employers Liability (Compulsory Insurance) Regulations 1998	Publicly available
Annual Returns to Housing Regulator	On social landlord portal and hard copy kept in locked cabinet in Director's Office	Record of information submitted to Regulator	5 years	NFHA recommendation – best practice	Scottish Housing Regulator, SHN Benchmarking
Annual Returns to Housing Regulator – working papers	Locked cabinet in Director's Office	Record of workings for annual returns	3 years	No specific statutory retention period. NFHA best practice - permanently	Scottish Housing Regulator
Audited returns and financial statements (including Annual Returns to Registrar of Friendly Societies)	On hard drive and hard copy kept in Finance Office	Record of Association's financial management position	Permanently	No specific statutory retention period. NFHA best practice - permanently	Management Committee, Lenders, Members, OSCR, Scottish Housing Regulator, Auditors

CORPORATE AND GOVERNANCE

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Declarations of Interest	Kept in employees file in Director's Office	Record of staff declarations of interest	6 years	NFHA recommendation – limitation for legal proceedings	Management Committee, Auditors
Declarations of Interest	Director's Office	Record of Committee declarations of interest	6 years	NFHA recommendation – limitation for legal proceedings	Management Committee, Auditors
Register of Seals	Locked cabinet in Director's Office	Record of use of seal	Permanently	NFHA recommendation – best practice	Auditors, Chairperson
Register of Share Certificates	Share book in Director's Office	Record of share certificates issued and cancelled	Permanently	NFHA recommendation – best practice	Auditors, Chairperson
Registers of Members	On secure hard drive kept in a database (name & address only)	Record of Members and ex members	Permanently	Registrar of Friendly Societies	Auditors, Chairperson
Committee Members names, addresses, dates of birth and code of conduct details	In locked cabinet in Director's Office	Regulatory requirement	All the time while on the Committee and for 6 years thereafter	No specific statutory retention period	Corporate Services Officer, Director, Auditors, Scottish Housing Regulator

CORPORATE AND GOVERNANCE

Information Collected or Held	Location	Purpose collected or held	Period Retained for	Statutory Retention Source	Exchanged with, or passed on to
Benefits to Staff and Committee Members under Housing (Scotland) Act 2001	Finance Office	Regulatory requirement	Permanently	Scottish Housing Regulator	Publicly available record, Auditors, Scottish Housing Regulator, Management Committee
Complaints to HA and the Ombudsman	Kept on digital filing system and in tenants record on Home Master	To monitor and record complaints	Permanently	No statutory retention period	Ombudsman, Management Committee, Scottish Housing Regulator, Auditors
Telephone recordings	3CX System	To monitor external calls (no card details are recorded when payments made over phone)	6 months	No statutory retention period	N/A
CCTV footage – 3 internal & 3 external cameras covering reception, external building, back office, and car park	On DVR	Surveillance for security and safety purposes	30 days	No statutory retention period	Police

HR DOCUMENTS

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Employees' Personnel Records	Directors Office	Details of employment and next of kin etc. for efficiency of organisation	6 years after employment ceases	No specific statutory retention period CIPD best practice	Details supplied for references, Inland Revenue, Police, Pension Scheme, DWP, Auditors, Scottish Housing Regulator, Lawyers, Employee Counselling Service
Employees' Staff Appraisals, Training & Development records	In employees file kept in Directors Office	To record employee development	6 years after employment ceases	No specific statutory retention period CIPD best practice	Details supplied for references, Management Committee, Auditors and Scottish Housing Regulator
Employee's health and sickness records	In employees file kept in Director's Office	To calculate entitlement to sickness allowance, to provide referrals to occupational health specialists / GP	6 years after employment ceases	No specific statutory retention period – CIPD best practice Limitation for legal proceedings. (NCVO)	Details supplied for references, HMRC, DWP, Dept of Employment, Auditors and Management Committee
Recruitment shortlists, ethnic monitoring details, interview notes and related application forms	On secure hard drive in restricted folder	To provide monitoring details for Equal Opportunities. To assist in case of dispute of an application.	6 months for all unsuccessful applicants. Successful job applicants' documents will be transferred to personnel file	SDA RRA Also, recommendation of the Equality and Human Rights Commission	For monitoring by Management Committee, Auditors, and Industrial Tribunal.

HR DOCUMENTS

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Disclosure Scotland Records	In employees file in Directors Office	To comply with legislation where staff or committee are working with vulnerable groups	Paper copy retained for 6 months then destroyed	Employment legislation and Disclosure Scotland guidelines	For monitoring by Management Committee, Auditors

HEALTH AND SAFETY - EMPLOYEES

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Accident records, reports	Locked cabinet in Directors Office	To record health and safety incidents and any action required	NFHA best practice - 6 years after date of occurrence	RIDDOR Limitation for legal proceedings.	Details supplied for reference, Health & Safety Advisors, or representatives
Accident Books	Locked cabinet in Directors Office	To record incidents	6 years after date of last entry	RIDDOR Limitation for legal proceedings	Details supplied for reference, Health & Safety Advisors or representatives
DSE workstation checklist	Locked cabinet in Director's Office	To assess risk from the way employee's use display screens at work and to assess each workstation	3 years	Health and Safety (Display Screen Equipment) Regulations 1992	Health and Safety Administrator, Health and Safety representatives

HEALTH AND SAFETY - EMPLOYEES

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Medical records relating to control of asbestos	Locked cabinet in Director's Office	To record any medical issues as a result of asbestos	40 years after the last entry in those records	Control of Asbestos Regulations 2012	Health and Safety Administrator, Health and Safety Representatives
Health and Safety policy statements	Signed copy kept in employee's file in Director's Office and policy statement displayed in Reception	Sets out how the Association manages health and safety within the workplace	6 years after employment ceases	Best Practice	Health and Safety Administrator

FINANCE - EMPLOYEES

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Record of taxable payments	Home Master Financials system	HMRC requirement	6 years plus current financial year	HMRC	HMRC, Auditors
Record of earnings on which NI contributions payable	SAGE Payroll Management Software	HMRC requirement	6 years plus current financial year	HMRC	HMRC, Auditors
Copies of notices to employees (P45, P60)	SAGE Payroll Management Software	HMRC requirement	6 years plus current financial year	HMRC	All P45s now processed online to IR, with copy given to employee.

FINANCE - EMPLOYEES

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
HMRC notices of code changes, pay and tax details	Locked drawer in Finance Office	HMRC requirement	6 years plus current financial year	HMRC	Sent from IR to Association. Employees receive copy direct from IR
Expense Claims	Locked drawer in Finance Officer	HMRC requirement / budgetary control	6 + 1 years after audit	HMRC	HMRC re Subscription Expenses, Auditors
Record of sickness payments	SAGE Payroll Management Software	HMRC requirement	6 years plus current financial year	NFHA (HMRC require retention of each payment for 3 years)	Employee, Auditors
Record of maternity payments	SAGE Payroll Management Software	HMRC requirement	6 years plus current financial year	NFHA (HMRC require retention of each payment for 3 years)	HMRC, Employee, Auditors
Redundancy details and record of payments and refunds	Hard copy kept in locked drawer in Finance Office and electronic records kept on SAGE	Legal and Inland Revenue requirement	12 years from date of redundancy	CIPD recommendation (HMRC require retention for 6 years)	Auditors, Solicitors, HMRC, Employee

FINANCE - ACCOUNTING

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Accounting Records	Home Master Financials system	Statutory Obligation	Permanently	Required by Registrar of Friendly Societies and Charity Commissioner	References, auditors, Scottish Housing Regulator, borrowing facilities
Offers of Grant (Scottish Government Housing Investment / Wider Role / EDC / NHP / Scottish Water	Files kept in Finance Office	To monitor conditions attached to grants	6 years plus current financial year (electronic records kept permanently)	Best practice	Private Lenders, Auditors, any other relevant party
Contractor Invoices	Home Master Financials System	For auditing purposes and budget control	6 years plus current financial year	VATA Revenue & Customs requirement for VAT registered bodies	Auditors, Scottish Housing Regulator
Debtors Invoices	Home Master Financials System	For auditing purposes and budget control	6 years plus current financial year	VATA Revenue & Customs requirement for VAT registered bodies	Auditors, Scottish Housing Regulator
Bank Statements and pay in books	Locked drawer in Finance Office	Auditing Purposes and budget control	6 years plus current financial year	Best practice	Auditors, Scottish Housing Regulator

FINANCE - ACCOUNTING

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
VAT Returns	De-registered for VAT. Previous VAT returns are kept on U: Drive and in Finance Office	Legal and Inland Revenue requirement	6 years plus current financial year	HMRC	HMRC, Auditors
Books of prime entry e.g. cash book, ledgers, petty cash records	Home Master Financials system and U: Drive	Legal and Inland Revenue requirement	6 years plus current financial year	HMRC	HMRC, Auditors, Management Committee, Finance staff and Director
Cash received records	Home Master Financials system and U: Drive	Legal and Inland Revenue requirement	6 years plus current financial year	HMRC	HMRC, Auditors, Management Committee, Finance staff and Director

HOUSING MANAGEMENT

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Current Tenant Files	Home Master Housing System	Details relating to tenancy including details of any complaints	Duration of tenancy	No statutory retention period – NFHA recommendation	Details supplied for references, auditors, Scottish Housing Regulator and Solicitors

HOUSING MANAGEMENT

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Former Tenant Files – Key Details (excluding tenancy agreements)	Home Master Housing System	Details relating to tenancy including details of any complaints	5 years on exception basis where file contents are judged sufficiently important	No statutory retention period – NFHA recommendation	Details supplied for references, auditors, Scottish Housing Regulator and Solicitors
Former Tenants' Tenancy Agreements, and details of their leaving	Locked cabinet in store and on digital filing system	Details relating to former tenancy agreement	Permanently	No statutory retention period – NFHA recommendation	Details supplied for references, auditors, Scottish Housing Regulator and Solicitors
Cancelled housing list application forms	Home Master Housing System and digital filing system	Details of applicants applying to be rehoused. For assessment of housing circumstances /priority	Application forms cancelled on Home Master on annual review or on applicant's request then deletion after 5 years.	Best Practice	Auditors, Scottish Housing Regulator & Management Committee

HOUSING MANAGEMENT

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Housing Benefit Notifications	Kept on digital filing system and on GCC portal	Details of housing benefit awards for reference and entitlement checks	2 years	Recommendation of Institute of Rent Officers (now merged with CIH)	Auditors, Scottish Housing Regulator & Management Committee
Welfare Rights Files	AdvicePro and paper copies kept in Housing Management room	Details of welfare rights cases to enable client's entitlements to be assessed and pursued	13 months after case closed	DWP Requirement	Auditors, Scottish Housing Regulator & Management Committee
Tenancy Support Records	Home Master Housing System	Referral details, contact details, housing support assessment, support plans and contact records as well as any related correspondence	5 years	Best Practice	Social Services / Care Commission
Tenant Rent details	Home Master Housing System	Record rent payments, arrears, and housing benefit arrangements, produce statistical reports	While resident	Best Practice	Details used for Scottish Housing Regulator, Solicitors and Management Committee
Tenants Survey Results	Home Master Housing System	Ascertain service performance and analysis for service improvements	3 years	Best Practice	Management Committee, Scottish Housing Regulator

HOUSING MANAGEMENT

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Tenants' financial details	Allpay	Direct debit mandates or any other financial arrangements for rent and debt management	Duration of tenancy, and if terminated, Association may have to recall info for debt recovery or tenancy references	Best practice	Other housing providers who require tenancy reference by signed mandate, Auditors, Scottish Housing Regulator, Courts if action taken, Solicitors if case notes passed over to raise action.
Anti-social complaints records	Notes kept on Home Master Housing System and on digital filing system	To record reports of alleged anti-social behaviour and record action taken by the Association	While resident	Best practice	Information used for Scottish Housing Regulator, Solicitors and Management Committee
Right to Buy applications and information	Home Master Housing System and on digital filing system	Details relating to Right to Buy applications	Permanently	Best Practice	Scottish Housing Regulator, Auditors, Solicitors, Management Committee
Records of Estate Management Inspections	Records kept in Housing Management room and photos kept on hard drive	To monitor service performance and analyse service improvements	5 years	Best Practice	Management Committee, Scottish Housing Regulator

HOUSING MANAGEMENT

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Details re collection of Former Tenant Arrears	Home Master Housing System	To monitor service performance	Indefinitely	N/A	Management Committee, Scottish Housing Regulator
Record of Lets	Home Master Housing System	To monitor service performance	5 years	Best Practice	Management Committee, Scottish Housing Regulator, Housing, Newsletter

MAINTENANCE

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Maintenance repair orders and property maintenance records	On Home Master Housing System	Details of individual repairs carried out in properties, to produce statistical and historical reports	6 + 1 years Limitation for legal action	NFHA Guidelines	Management Committee, Scottish Housing Regulator, Auditors

MAINTENANCE

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Development documentation	On secure hard drive and hard copy kept in Directors Office	Details of developments within the Association's programme	12 years after settlement of all issues Limitation for legal action relating to land or contracts under seal	NFHA Best Practice	Management Committee, Scottish Housing Regulator, Auditors, Bank
Mileage records for company vans	Locked drawer in Finance Office	Company vehicle record	2 years after disposal	Best Practice	Insurers / relevant parties
Maintenance records, MOT tests for company vans	Locked drawer in Finance Office	Company vehicle record	2 years after disposal	Best Practice	Insurers / relevant parties
Copy registration for company vans	Locked drawer in Finance Office	Company vehicle record	2 years after disposal	Best Practice	Insurers / relevant parties
Insurance Policy for company vans	Locked drawer in Finance Office	Company vehicle record	For current period of insurance + 1 year after renewal	Best Practice	Insurers / relevant parties

MAINTENANCE

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Statutory Consents (including habitation certificates)	Locked cabinet in Maintenance room and electronic copy kept on digital filing system	Legal requirement	Permanently	Best practice	Relevant parties as required
Energy Performance Certificates	Electronic copy kept on secure hard drive and paper copy kept in Maintenance Room	Legal requirement	10 years	Best Practice	Copy given to tenant
Gas Servicing	Certificate uploaded to Home Master and hard copy kept in Maintenance Room	Legal requirement and to audit contractor's performance in meeting requirements	3 years	Gas Safety (Installation and Use) Regulations 1998	Relevant parties as required
Public Liability Insurance	Home Master Housing System and on secure hard drive	To process insurance claims relating to public liability	Up to 2 years after claim has settled	Best practice	Insurance broker, tenants, 3 rd party claimants, legal advisors

CONTRACTS AND AGREEMENTS

Information Collected or Held	Location	Purpose collected or held	Period retained for	Statutory Retention Source	Exchanged with, or passed on to
Contracts for the purchase of goods or services, including professional services	Hard copy kept in locked drawer in Maintenance room and electronic copy kept on secure hard drive	Record of agreement and services purchased	6 years after completion	NFHA recommendation Limitation for legal proceedings	Relevant parties to contract, Auditors
Loan agreements	On U: Drive and in locked filing cabinet in Finance Office	Record of borrowing, and conditions attached	12 years after last payment	NFHA recommendation	Scottish Housing Regulator, Accountant, and relevant parties to agreement
Documents relating to successful tenders	In Tender /quotation register kept in a fireproof safe	To support management of contracts	6 years after end of contract	NFHA recommendation – best practice	Relevant parties
Documents relating to unsuccessful tenders	In Tender /quotation register kept in a fireproof safe	N/A	Until expiry of standstill period	Legal advice received	N/A

STATUTORY RETENTION PERIODS

The following represents an ever-changing list of retention periods. The list is not exhaustive. The list may need to be modified to suit your particular organisation

The main UK legislation regulating statutory retention periods is summarised below. If employers are in doubt, it's a good idea to keep records for at least 6 years (5 in Scotland), to cover the time limit for bringing any civil legal action.

Accident books, accident records/reports

Statutory retention period: 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos).

Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

Accounting records

Statutory retention period: 3 years for private companies, 6 years for public limited companies.

Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

Income tax and NI returns, income tax records and correspondence with HMRC

Statutory retention period: not less than 3 years after the end of the financial year to which they relate.

Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

Medical records and details of biological tests under the Control of Lead at Work Regulations

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Medical records under the Control of Asbestos at Work Regulations:

medical records containing details of employees exposed to asbestos and medical examination certificates

Statutory retention period: (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.

Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)

Medical records under the Ionising Radiations Regulations 1999

Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50 years.

Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).

Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 5 years from the date on which the tests were carried out.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Records relating to children and young adults

Statutory retention period: until the child/young adult reaches the age of 21.

Statutory authority: Limitation Act 1980.

Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity

Statutory retention period: 6 years from the end of the scheme year in which the event took place.

Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence

Statutory retention period: 3 years after the end of the tax year in which the maternity period ends.

Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.

Wage/salary records (also overtime, bonuses, expenses)

Statutory retention period: 6 years.

Statutory authority: Taxes Management Act 1970.

National minimum wage records

Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

Statutory authority: National Minimum Wage Act 1998.

Records relating to working time

Statutory retention period: 2 years from date on which they were made.

Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).

Recommended (non-statutory) Retention Periods

For many types of HR records, there is no definitive retention period: it is up to the employer to decide how long to keep them. Different organisations make widely differing decisions about the retention periods to adopt. Employers must consider what a necessary retention period is for them, depending on the type of record.

The advice in this factsheet is based on the time limits for potential UK tribunal or civil claims. The period is often a question of judgement rather than there being any definitive right answer. For example, some records managers in public sector organisations recommend keeping an employee's records until they reach the age of 100, especially for pension purposes

The UK Limitation Act 1980 contains a 6-year time limit for starting many legal proceedings. So, where documents may be relevant to a contractual claim, it's recommended that these are kept for at least a corresponding 6-year period.

Actuarial valuation reports

Recommended retention period: permanently.

Application forms and interview notes (for unsuccessful candidates)

Recommended retention period: 6 months to a year. (Because of the time limits in the various discrimination Acts, minimum retention periods for records relating to advertising of vacancies and job applications should be at least 6 months. A year may be more advisable as the time limits for bringing claims can be extended. Successful job applicants documents will be transferred to the personnel file in any event.

Assessments under health and safety regulations and records of consultations with safety representatives and committees

Recommended retention period: permanently.

HMRC/HMRC approvals

Recommended retention period: permanently.

Money purchase details

Recommended retention period: 6 years after transfer or value taken.

Parental leave

Recommended retention period: 5 years from birth/adoption of the child or 18 years if the child receives a disability allowance.

Pension scheme investment policies

Recommended retention period: 12 years from the ending of any benefit payable under the policy.

Pensioners' records

Recommended retention period: 12 years after benefit ceases.

Personnel files and training records (including disciplinary records and working time records)

Recommended retention period: 6 years after employment ceases.

Redundancy details, calculations of payments, refunds, notification to the Secretary of State

Recommended retention period: 6 years from the date of redundancy

Senior executives' records (that is, those on a senior management team or their equivalents)

Recommended retention period: permanently for historical purposes.

Statutory Sick Pay records, calculations, certificates, self-certificates

Recommended retention period: The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014 (SI 2014/55) abolished the former obligation on employers to keep these records. Although there is no longer a specific statutory retention period, employers still have to keep sickness records to best suit their business needs. It is advisable to keep records for at least 3 months after the end of the period of sick leave in case of a disability discrimination claim. However, if there were to be a contractual claim for breach of an employment contract it may be safer to keep records for 6 years after the employment ceases.

Timecards

Recommended retention period: 2 years after audit.

Trade union agreements

Recommended retention period: 10 years after ceasing to be effective.

Trust deeds and rules

Recommended retention period: permanently.

Trustees' minute books

Recommended retention period: permanently.

Works council minutes

Recommended retention period: permanently.