



ART Document Retention Policy

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INTRODUCTION

In the course of carrying out its various functions and activities Abberton Rural Training (ART) receives and generates a wide range of data/information which is recorded in documents. These documents can take many different forms e.g.

- letters received from third parties
- letters received from students
- copies of letters which have been sent out
- employers information and records
- file attendance notes
- invoices

- completed application forms
- financial records
- registers
- contracts including funding agreements
- leases, licence and hire agreements
- e-mail communications (and any attachments)

Many of these documents are subsequently retained in one form or another e.g. as 'hard' paper records or on computer in digital form. For the avoidance of any doubt the terms 'document' and 'records' should be taken to include documents/records which are in digital format e.g. on computer as a 'Word' or 'Excel' file.

Retention of specific documents may be necessary for one or more of the following reasons:

- to fulfil statutory or other regulatory requirements
- to evidence events/agreements in the case of dispute
- to meet operational needs
- to ensure the preservation of documents of historic or other value

The untimely destruction of documents to which one or more of the above criteria is applicable could cause ART:

- (i) difficulty in defending an unmeritorious claim brought against it;
- (ii) operational problems; or
- (iii) embarrassment

Conversely, the permanent retention of *all* documents is undesirable and to be discouraged. Disposal, where appropriate, is to be encouraged for the following reasons:

- There is a shortage of new storage space
- Disposal of existing documents can free up space for more productive activities
- Indefinite retention of personal data may be unlawful (see below)
- Reduction of fire risk (in the case of paper records)
- Expense

The introduction of the General Data Protection Regulations (GDPR) and Data Protection Act 2018 (DPA 2018)¹ sets out legislation for the retaining of documentation.

SCOPE & PURPOSE

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

- (i) be retained – and if so in what format, and for what period; or
- (ii) disposed of

Additionally, this Policy seeks to delineate and clarify the roles and responsibilities of ART in its decision making.

Matters which fall outside the scope of this Policy

This Policy is **not** concerned with the following:

- Disposal/retention of unused materials (e.g. stocks of paper, unused forms)
- Materials that do not comprise, or form part of, a record of ART's business activity/transaction.

Data Protection (DPA) and General Data Protection Regulations (GDPR)

It is illegal to destroy information which is due for destruction but has been requested under the Data Protection Act eg data subject request or from the Information Commission as part of an investigation. Such information should be kept until all deadlines for appeal procedures have been met.

The GDPR and DPA specifies that information should only be kept for as long as it is necessary. There is no specific guidance on the meaning of “necessary”, but it should be seen as a timescale that is reasonable to ensure the purpose for which the information is used for is met and any legal obligations on retention are accommodated. Any decision should be evidenced and have a rational and reasonable backing. “Just in case” is not usually a reasonable excuse for keeping personal information which should be deleted.

¹ The new Data Protection Act is not yet in force

GDPR and the DPA also demands that information is accurate and the longer information is kept and not updated, then the greater the chance that we have inaccurate data.

GDPR requires us to have and show we follow procedures which include document retention.

Standard Operating Procedure

Some records do not need to be kept at all. This section defines types of records that may be routinely destroyed in the normal course of business.

This applies to information that is duplicated, unimportant or of short-term facilitative value. Unimportant records or information include:

- 'With Compliments' slips
- Catalogue and trade journals
- Telephone message slips
- Non-acceptance of invitations
- Trivial emails, or notes not related to ART's business
- Requests for stock information such as plans, advertising materials or application forms.
- Out-of-date distribution lists
- Some working papers that lead to a final report

Where the above contains personal information about an identifiable individual, this should still be shredded to avoid it falling into the wrong hands. Such items should not be thrown in the bin.

Duplicated and superseded information such as stationery, manuals, drafts, forms, and reference copies of annual reports should also be destroyed. Electronic copies of documents or faxes where a hard copy has been printed and filed are also covered.

Retention/ Disposal Protocol

Any decision whether to retain or destroy a document should be taken in accordance with the protocol below. The steps 1-5 below set out the procedure for assessing whether a document should be destroyed or retained. This process should be repeated once any minimum period of retention has expired (see section 2). This procedure is summarised in the flow chart in appendix 2.

1. Assess Document

Although this may seem obvious the first step is to assess the contents of any document to ascertain what information is held. This may only take a few seconds but it is important to ascertain what information is held to ensure that documentation is not destroyed incorrectly.

2. Is there a statutory/regulatory requirement to retain the documents?

In some cases there is a legal requirement for documents to be kept for a minimum time period. The tables in appendix 1 provide guidance for specific documents.

There is a 'General' table to cover documents not specifically covered in the document.

3. Is information required as evidence in case of dispute/likely dispute?

Where action is taken by ART or against ART legislation provides guidance for time scales within which action must begin.

The Limitations Act 1980 specifies time limits for commencing litigation. The main time limits that are directly relevant to ART are summarised in the table below:

TYPE OF CLAIM	TIME LIMIT FOR LEGAL ACTION TO HAVE BEEN BOUGHT
Simple Contract/Tort (not personal Injury) E.g. debt recovery, damage to property, compensation claims	6 years from date incident occurred
Personal Injury	3 years from date of incident OR 3 years from date injured person first had knowledge of the injury, its cause and person responsible.
Claims regarding Sealed Documents E.g. deeds of conveyance, long leases	12 years from date of cause of action
Latent Damage Claims (not personal Injury) where facts relevant to the cause of action were not known to the claimant at date of negligence.	15 years from date of negligence

Is information required to meet the operational needs of ART?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies, or has expired. ART should be open to the danger of discarding documents or records that might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgment needs to be made as to the usefulness of a particular document.

Does the document have historic interest?

Some documents currently in storage may be of historic interest and/or even have some monetary value. This applies to both paper and electronic records.

Where it is suspected that the document falls within this description appropriate enquiries should always be made before taking any further action. If the document is of historical or monetary value it may not be appropriate for ART to retain the document but to transfer the document to an appropriate organisation e. g. the County Records office; or even sale to an external body.

Decision to retain or destroy document

If the minimum retention period has expired and the answer to questions 3-5 is NO the document should be destroyed and a record made of the destruction see section 5 below.

If a document is to be retained where possible the document or file should be marked to illustrate the date when it should be reviewed or that it needs to be retained permanently.

If a paper file or document is to be retained for a minimum period the file or document should be clearly marked, where possible with that date after which retention of that file or document should be reviewed.

A file/spreadsheet should be kept listing review dates for records to aid future audits. This will be essential where documents are only held in electronic format. This will prevent staff repeating the retention process in the future on documents that need to be kept permanently. It should also aid staff in future audits of records to pinpoint records which need to be considered for destruction.

Review on expiry of retention period.

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. Steps 1-5 of the protocol should be repeated and a decision made. Such review need not necessarily be detailed or time consuming. Where the designated person, responsible for filing or storage of documents or files is familiar with the contents of the document(s) - or where the contents are straightforward and easily apparent – such exercise may only take a few minutes.

In the event that a decision is taken to dispose of a particular document this should be completed in line with section 5 below.

Roles and Responsibilities

Responsibility for determining whether to retain or dispose of documents rests with The Principle Data Officer, Jacqui Stone.

This responsibility can be delegated to Paula Hockey, Deputy Data Officer .

The Principle Data Officer will be expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal. Records not marked for permanent retention should subsequently be checked on a regular basis and destroyed as appropriate, at least annually.

You should seek advice from The Trustee Data Protection Champion as to whether minimum retention periods are prescribed by law and whether retention is necessary to protect ART's position where the likelihood of a claim has been identified. In other cases The Principle Data Officer will have a better working knowledge and will be expected to make the decision on record retention.

Disposal

Documents should be disposed of by

- throwing away
- shredding
- deleting from computer systems
- migration of document to an external body

Where information is of a personal or confidential nature it MUST be shredded. If there is doubt or uncertainty as to the nature of the document it should be shredded.

Migration of documents to a third party is unlikely to be an option in most cases. However, this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. The third party here could well be the Public Record Office ("PRO"). "Migration" includes the sale of documents to a third party.

Documentation of Disposal

Once a document has been assessed as needing to be disposed of a record should be kept of :

- Any reference Number
- Date created
- Date work completed/last used
- Date destroyed
- Method of destruction
- Authorisation for destruction

These records should be kept in spreadsheet format to reduce storage of paper and to make searching for confirmation of destruction easily accessible to aid future information requests.

A standard form for recording this information is provided in Appendix 3. These records should be stored centrally to enable staff dealing with requests for personal information (Personal Data Subject Request) to be able to easily access the information. ART should consider recording this information electronically in order to make it easily accessible and to reduce retention of paper documents.

Appendix 1 Minimum Retention Period Guidelines

- Board meeting reports and minutes
- Corporate Docs
- Human Resources
- Financial and Audit
- Contracts
- Funding
- General

All Guidelines are obtained from Statute, General Practice or Guidance from the British Records Management Society

Board and other meetings, agendas and minutes

REF NO	Documentation	Minimum Retention Period
	Board of Trustees agendas, reports and minutes	6 years

Corporate Documents

Ref No	Documentation	Retention Period
	Strategy Plans Business Plans Annual Reports	6 years
	Strategic management team minutes	6 years
	Statutory Returns	6 years
	Policy, procedure precedent, instructions Organisation Charts, Records relating to policy implementation and development Health and safety plans and policies	6 years
	Monitoring and reviewing strategic plans, policies and assessing compliance with guidelines	6 years
	Safeguarding Policy and protocol	10 years
	Data Protection Policy and protocol	10 years

Human Resources

Ref No	Documentation	Retention Period
	Recruitment Records Non Short listed Applicants Applications, internal notes reports, CV's.	6 months from date advised not short listed
	Recruitment Records Short listed Applicants not appointed Applications, interview reports, CV's.	6 months from date advised of the appointment decision
	Application Form of Appointed person	Duration of Employment
	Employment records* <ul style="list-style-type: none"> • Offer Letter • Employment Contract • Details of Assigned duties • Medical Clearance • Medical Examinations/Reports • PPDPs • Probation reports • Proof of Educational Qualifications • Secrecy Undertakings • Variation to Contract • Notice Letters 	6 years from end of employment
	Records relating to staff working with children*	25 years from end of employment
	All other records*	6 years from end of employment
	Training History	6 years from end of employment
	Health Information exposure to asbestos	40 years from date of exposure
	Pension Estimates and awards	6 years from end of employment
	Statutory Maternity Pay	6 years from end of employment
	Staff Lists & Leavers Lists	Permanent

*** additional time scales if employees affected by Health and Safety, safeguarding or other forms of legal intervention will be relevant**

Financial Records and Audit

Ref No	Documentation	Retention Period
	Accounts <ul style="list-style-type: none"> • Consolidated annual reports • Consolidated financial statements • Statement of financial position • Operating Statements • General Ledger 	Permanent
	<i>Accounts</i> <ul style="list-style-type: none"> • Consolidated monthly and quarterly reports and reconciliations • Working Papers for the above • 	Destroy when administrative use is concluded
	Audit Reports	2 years after formal clearance by the appointed auditor
	Estimates Supporting info, calculations, statistics	3 years after the end of the financial year to which they relate
	Orders for Payment	Permanent
	Debtors records	18 months after the end of the financial year to which they are paid or written off 6 years minimum in respect of any unpaid account which has not been written off
	Taxation Records	5 years after the end of the financial year which records where created
	VAT Records	6 years
	<i>Receipt, Expenditure and Write off of public Monies</i> <ul style="list-style-type: none"> • Allowances • Work Orders 	6 years after the conclusion of the transaction that the record supports

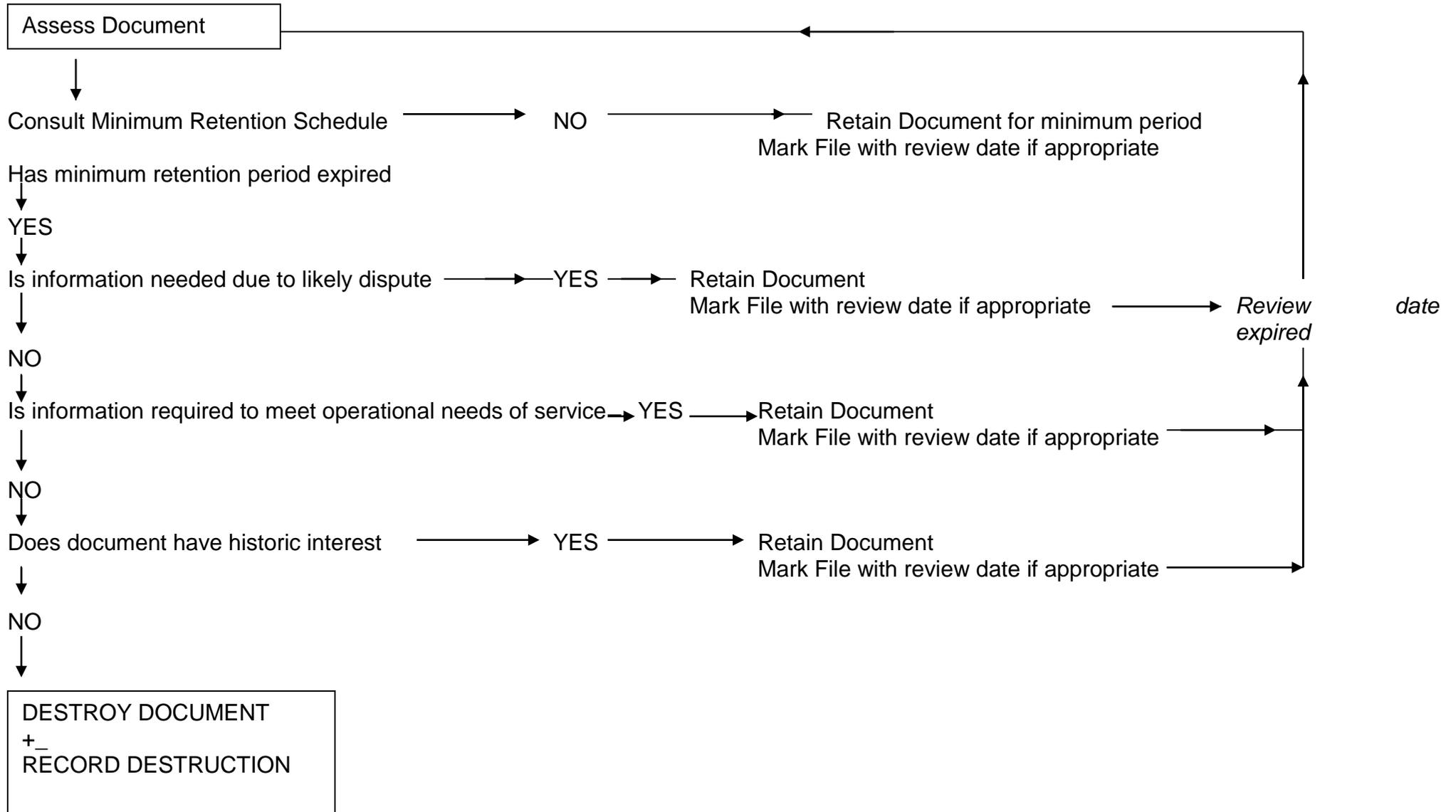
	<ul style="list-style-type: none"> • Invoices • Credit Card Statements • Cash Books • Receipts • Cheque Counterfoils • Bank Statements • Subsidiary ledgers(Annual) • Journals (annual) • Vouchers 	
	<p>Payroll Authority Sheets Payroll deduction authorities Payroll disbursement Employee pay records Employee taxation records</p>	<p>7 years after the conclusion of the financial transaction that the record supports</p>
	<p>Budgets Annual Budget</p>	<p>Permanent</p>
	<p>Budgets Draft budgets Departmental budgets Draft estimates</p>	<p>2 years after annual budget adopted</p>
	<p>ART's Assets</p> <ul style="list-style-type: none"> • Routine reports • Inventories • Stocktaking • Surveys of Usage • Acquisition and disposal reports and proposals 	<p>2 years after administrative use is concluded</p>
	<p>ART's Assets Acquisition and disposal of assets</p> <ul style="list-style-type: none"> • Legal documents relating to sale/purchase • Particulars of Sale 	<p>6 years or 12 years after all</p>

	<ul style="list-style-type: none">• surveys• Leases• Applications for leases, licenses and rental revision• Conditions of contracts• Certificates of approval	obligations/entitlements are concluded see legal and contracts
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Legal and Contracts

Ref No	Documentation	Retention Period
	Documentation regarding legal advice	6 years from date wholly completed
	Contracts	6 years after terms of contract has expired 12 years after contract has expired if contract under seal
	Contracts <ul style="list-style-type: none"> • Minutes and papers of meetings • Changes to requirements • Variation forms • Extension of contracts • Complaints • Disputes 	6 years after terms of contract has expired 12 years after contract has expired if contract under seal
	Contracts <ul style="list-style-type: none"> • Service level agreements • Compliance reports • Performance reports 	2 years after the terms of the contract have expired
	Entries on Land Charges Register	Duration of Charge
	Copy's of official certificate of search re local land charges	Permanent (or min 20 years)
	Leases/counterpart leases Deeds of variation Licences to assign	Duration of lease plus 12 years
	Agreements under seal (except building/engineering work contracts)	Duration of agreement plus 12 years
	Building/engineering work contracts	15 years from performance of contract
	Conveyancing including leases, licences, hire agreement	12 years after Lease has expired, licences and hire agreement 6 years after term have expired

Appendix 2 Flowchart Retention Disposal Protocol



Appendix 3

Destruction of Documents Register

Department:		Officer Responsible:		From: 2005	To: 2005	
Description of Document for Disposal	Reference Number (if applicable)	Date Created	Date Last worked on/Completed	Method of Disposal (S,R,D,M)*	Signed Authority for disposal	Date of Disposal

*Method of Disposal: **S**hredded, **R**ecycled, **D**eleted, **M**igration