

<b>Barrhead Housing Group Policy on:</b>	<b>CO06c: Data Protection Retention Policy</b>
<b>Compliant with Regulatory Standards</b>	n/a
<b>Compliant with Charter standards :</b>	Standard 1: Equalities and 2: Communications
<b>Guidance and Legislation</b>	Data Protection Act 2018
<b>Compliant with Tenant Participation Strategy :</b>	n/a
<b>Compliant with Equal Opportunities :</b>	Commitments embedded within policy documentation
<b>Equality Impact Assessment</b>	NO EQIA is required in relation to this policy
<b>Freedom of Information</b>	Policy will be made available via BHG's Guide to Information
<b>GDPR</b>	Policy supports BHG's approach to GDPR, and the robust management of personal data
<b>Compliant with Annual Assurance :</b>	Yes
<b>Linked Policies and Strategies</b>	GDPR Policy Statement GDPR Privacy Policy GDPR Staff and Group Fair processing Notices
<b>Date of Approval :</b>	30 Jan 2020
<b>Policy Review Date :</b>	30 Jan 2023
<b>Responsible Officer :</b>	Chief Executive
<b>Version History</b>	Draft Approval: 30.01.2020 Last Approved : 2018

This policy can be made available in different languages and other formats such as Braille, large print or tape, on request.

## **1. Introduction**

This policy refers to Barrhead Housing Association (the parent) and Lavern Property Services (the subsidiary), (hereinafter the "Group") This policy sets out the length of time that records and documentation should be retained. The Group therefore have a retention schedule in place which should be followed by all staff to ensure that all data and information we collect is not be kept beyond the period set out but not retained for more than 12 months beyond this timescale.

For example, copy invoices should be kept for 6 years but it may be impracticable to destroy each invoice on its 6th anniversary. These records should however be disposed of within 12 months i.e. by the 7th anniversary. This gives adequate time to make arrangements for the proper disposal of the records.

## **2. Aims and Objectives**

This Policy aims to ensure that the Group complies with the General Data Protection Regulations in respect of the Data held about individuals. It serves to protect and promote the rights of customers, stakeholders and staff and to protect the Group from the consequences of a breach of its responsibilities.

The policy gives guidance to staff about information that is to be treated as confidential, the length of time for which documents should be held and to provide a framework which organisational procedures can be based for collecting, storing, handling and disclosing such information.

## **3. Legal / Regulatory Requirements**

3.1 The Group's Document Retention Policy will be operated in accordance with the following legal requirements:

- Prescription and Limitation (Scotland) Act 1973
- HM Revenue and Customs rules
- Co-operative and Community Benefit Societies Act
- the Companies Acts
- Health and Safety legislation
- The Scottish Social Housing Charter
- the General Data Protection Regulation (EU) 2016/679 ("the GDPR")
- the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications); and

- any legislation that, in respect of the United Kingdom, replaces, or enacts into United Kingdom domestic law, the General Data Protection Regulation (EU) 2016/679, the proposed Regulation on Privacy and Electronic Communications or any other law relating to data protection, the processing of personal data and privacy as a consequence of the United Kingdom leaving the European Union.
- Freedom of Information (Scotland) Act 2002

### 3.2 **FACTORS GOVERNING THE LENGTH OF RETENTION**

The length of retention depends partly on generally accepted best practice and partly on legal requirements.

- The main legal factors affecting the retention period are:

The Limitations Act specifies a maximum period for legal proceedings of 5 years in most cases. Most documents must be retained for at least that length of time. Some documents must be retained for longer periods.

- HM Revenue and Customs specify that documents relating to Tax and VAT need to be retained for at least six years.
- The Co-operative and Community Benefit Societies Act, the Companies Acts and Health and safety legislation specify minimum retention periods for certain documents.
- The General Data Protection Regulation puts a maximum length on document retention by stating that personal information should not be held for longer than is required for the purpose for which it was collected.

3.3 In addition the Group needs to consider the practical issues. Documents need to be retained if they are likely to be required for operational purposes. On the other hand the retention of old documents is expensive and uses valuable space that might be better utilised. When considering the period of documentation retention both practical and legal issues need to be considered.

## **4. Equality & Diversity**

The Group is committed to providing fair and equal treatment to all our customers and to comply with the Equality Act 2010. The Act established 9 protected characteristics (the grounds on which discrimination is unlawful). These cover age, race, sex, religion/belief, sexual orientation, pregnancy/maternity, gender reassignment, disability and marriage/civil partnership.

## **5. CONSIDERATIONS WHEN DECIDING ON RETENTION PERIODS**

The Group has considered the following questions when deciding how long to retain a record before final disposition:

- Is the record still required for the day-to-day running of the Group?
- Is it required for legal purposes (e.g. contracts)?
- Does any legislation or official regulation govern how long it must be kept?
- Is it likely to be of ongoing or recurrent public interest?

### Retaining Records for Permanent Preservation

Records are designated as "archival" for many reasons, the main ones being that:

- they are still essential to the Group
- they document the Groups policies, structures and processes so that its activities may be accountable to the present generation and understood by future generations.

In general, this means keeping records which provide evidence of the following matters:

- top-level decision making and policy formulation within the organisation
- policy making within the major functions of the organisation
- important or high profile aspects of the interactions between the organisation and individuals, businesses, civic institutions, and the environment

## **6. RECOMMENDED RETENTION PERIODS**

The Group requires that documents should be retained for an appropriate period and should then be destroyed or discarded within a reasonable period after the end of the retention period. The minimum recommended time for the retention of the more common types of document is listed in Appendix 1. The retention times shown are mainly based on advice issued by The National Housing Federation and independent legal advice obtained by the Group when developing this policy.

## **7. DISPOSAL ARRANGEMENTS**

It is essential that the disposal of records is undertaken in accordance with these policies and procedures.

All paper based records containing personal information should be shredded or disposed of through confidential waste systems.

All electronic records containing personal information should be deleted completely from the hard drive.

All information contained within our housing system will be cleansed through our Archive Module with on a regular basis.

Records which are not selected for permanent preservation and which have reached the end of their administrative shelf life should be destroyed in as secure a manner as is necessary for the level of confidentiality or security markings they bear.

All emails will be defaulted to be deleted within 6 months - unless staff take steps to save emails within appropriate folders (i.e only for those mails which need to be retained in accordance with the Association's retention schedules)

## **8. DATA PROTECTION CHAMPION and OFFICER**

In recognition of the changes brought about by GDPR, the Group will administer all document retention processes through our Data Processing Champion, currently our Director of Customer Services.

Our Data Protection Officer (Corporate Services Manager) will ensure overall that the Group is compliant with legislation.

## **9. ACCESS TO POLICY**

The Policy will be made available in the useful documents section of our website and in our main office reception area.

## **10. REVIEW**

This policy will be reviewed every three years or as required by changes in legislation or good practice

## Data Retention Periods

The table below sets out retention periods for Personal Data held and processed by the Group. It is intended to be used as a guide only. The Group 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	Suggested retention time
Current personal files	All data for the duration of employment, except where Conditions of Employment applies
Former personal files including training records and notes of disciplinary and grievance hearings	General info 6 months after employment ceases 3 years for health records
Signed contract of employment & changes to original terms	Whilst employed and for 6 months after employment has ended
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of the redundancy
Facts relating to redundancies	6 years if less than 20 redundancies. 12 years if 20 or more redundancies.
Staff appraisals/training & development	Last years' annual and mid-year review.
Employment application forms, interview notes	12 months from date of interviews. Successful applicant documents will be transferred to personal file.
Documents proving the right to work in the UK	2 years after employment ceases.

Payroll	6 years after the end of the tax year they relate to
Income tax, NI returns, correspondence with tax office	At least 6 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/payments/auto enrolment	6 years 3 years for opt-out data
Statutory maternity/paternity and adoption pay records, calculations, certificates (MAT 1Bs) or other medical evidence	6 years after the end of the tax year to which they relate
Parental Leave	18 years
Statutory Sick Pay records, calculations, certificates, self-certificates	6 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
Membership Register	20 years after membership ceased.
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
Current tenant data/house files	All records retained for the duration of the tenancy
Former tenant data/house files	Up to 6 years following termination of tenancy
Applicants for accommodation	Up to 5 years
Housing Benefits Notifications	Duration of Tenancy
Third Party documents re care plans	Duration of Tenancy
Records re offenders. Ex-offenders (sex offender register)	Duration of Tenancy
Lease documents	5 years after lease termination
ASB case files	Duration of current tenancy and/or end of legal action
Board meetings minutes and papers - residents' meetings	Permanently
Minute of factoring meetings	Duration of appointment
Emails Containing Personal Data	6 months, unless otherwise covered by this retention schedule

