

The General Data Protection Regulation

Document Retention Policy

Document Retention policies are widely used to make sure that all employees across a business take the same approach to the storage and destruction of documentation. Under the General Data Protection Regulation, all businesses have a requirement to ensure they have a policy detailing their 'retention schedules' i.e. the processes by which they store, review and destroy documentation.

You should review your current policy to ensure it is still applicable under the General Data Protection Regulation otherwise you must create one.

When creating a Document Retention Policy for your business you may wish to consider including the following:

Purpose

Clearly describe the purpose of the document retention policy;

e.g. This policy document outlines the document retention policy of < FD NAME > in order to ensure that the approach taken throughout the business is consistent and meets regulatory requirements to ensure organisational compliance. The purposes of the document is to outline key considerations, legislation, regulations and best practice industry standards across all core document types retained by < FD NAME >, and provides guidance on the retention periods for those document types.

Describe the general policy your business adopts in relation to document retention e.g. < FD NAME > will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it requires to carry out its necessary business functions and the provision of services.

Set out the reasons why you require a document retention policy within your business detailing the reasons that you may have to retain documentation and the considerations you will make when deciding how long the retention period will be.

Definitions

Set out the definitions of any key words or phrases that you intend to use throughout to policy to ensure there is no ambiguity as to the intention of the term.

Examples of such words/phrases may include:

- Document
- Record
- Personal Data
- Data Controller

These can be a dictionary definition or a definition taken from legislation (such as the General Data Protection Regulation)



The General Data Protection Regulation

Document Retention Policy

Scope

Define the scope of the document retention policy, detailing the types of documentation it will apply to, the services it will cover and any third parties you intend to be bound by it.

e.g. The Document Retention Policy applies to all information held by < FD NAME > and its external service providers where they are processing information on < FD NAME's > behalf. Please ensure adequate contractual provisions are in place prior to engaging in any form of relationship with a third party on behalf of < FD NAME >

Roles and Responsibilities

Identify who is responsible for overall data management throughout the business.

Identify who has prepared the document retention policy and who is responsible for reviewing it to ensure it remains applicable.

Document that all staff are responsible for adherence to the document retention policy and have an obligation to follow relevant operational processes to ensure suitable levels of compliance across the business as a whole.

Identify who is responsible for management to ensure current operational processes are in line with the requirements of the policy, the relevant legislation and that enough resource is allocated to records management.

Depending on the size of your business this may be one individual or may be segmented across the organisation.

General Requirements

Detail why your business needs records and the relevance of the records you keep.

You should consider any key processes within your record management and provide sufficient detail to identify what your business considers appropriate. This may include detailing:

- Appropriate storage locations for hard copy documents
- Appropriate storage locations for electronic documents
- The system of review for processes relating to document acquisition, storage, retention or destruction

Requirements for Document Copies

Detail the circumstances by which your business would retain a document and the minimum standard of the copy you would keep of such documents. This may be:

- A standard set by your business
- The standard required by legislation e.g. Section 8 of the Civil Evidence Act 1995
- The standard set by another organisation e.g. Information and Records Management Society



The General Data Protection Regulation

Document Retention Policy

Disposal

Detail the process that your business (and by extension each of your employees) must adhere to when destroying documentation.

This may include separate processes for hard copy data and electronic data.

It should also include provisions for an audit trail for destruction of data, where this is stored and how this is managed.

Reporting concerns over document management

Detail where an employee (or another individual) should report concerns with your business' handling of information. It should also refer to general breach notification processes and potentially your whistleblowing policy.

You should include an appendix containing a retention schedule which details:

- The document or record type
- The advised retention period
- Any conditions/caveats attached to the retention of such document type
- The basis for the decision

You may wish to separate out the schedules so there is a specific one relating to each area of the business for example:

- Product brochures
- Legal advice and contractual agreements
- Insurance documentation
- Security, health and safety and facilities management
- Compliance, complaints, data records and similar
- Company records and similar documents
- HR records and similar documents
- Financial records and similar documents

You may wish to include further appendices detailing the guidance on disposal and considerations an individual should have prior to disposing of documentation and a style certificate of destruction which ought to be completed before any documentation is destroyed.

If you require further information on implementing the General Data Protection Regulation in your business, we recommend the Information Commissioner's Office (ICO) website or helpline for small businesses (0303 123 1113- Option 4)





The General Data Protection Regulation

Document Retention Policy

Example Appendix A: Document retention schedule

| Document/Record Produced | Advised Retention Period | Conditions/ Caveats | Basis for Decision |
|---|--|--|--|
| Funeral documentation- including electronic records and paper files which constitute the plan (this includes documentation relating to the allocated funeral) | N/A | Blank or representative examples should be retained permanently in a centralised location for future business needs including protection against litigation and customer complaint resolution. | Documents must be kept for reference purposes of family members. |
| Contracts | Throughout the contract period and 6 years afterwards. | The start date of the retention period is the date of execution of the agreement. | Section 5 Limitation Act 1980 |
| Insurance Policies, including but not limited to the following: public liability policies, product liability policies, employers liability policies, insurance schedules, group health policies, group personal accident policies, personal claims policies | Indefinite retention period- treat as permanent. | Employers Liability regulations 1998 call for a minimum of 40 years from start of insurance period. | Employers Liability (Compulsory Insurance) Regulations 1998 Limitations Act 1980 Prescription and Limitation (Scotland) Act 1973 Information and Records Management Society PHS Data Solutions Document Retention Schedule |
| Records of Subject Access Requests (SARs) | For a period relevant to business requirements in line with General Data Protection Regulation principles. | Recommend deletion 1 year after last action. | The General Data Protection Regulation |
| Grievances, Tribunal actions and similar | Minimum of 7 years. | The start date of the retention is the date at the end of the 'relevant period'. | PHS Document Retention Schedule |
| Expenses | 7 years from end of financial year. | | Companies Act 2006 Finance Act 1998 VAT Act 1994 |



The General Data Protection Regulation

Document Retention Policy

Example Appendix B: Disposal considerations and guidance

Each of the following questions and related guidance should be considered prior to the disposal of any document.

1. Has the document been checked for type of document, recommended retention timescales in line with the schedules in this document and checked for confidentiality?

Check that the nature and contents of the document are suitable for disposal.

2. Is retention required to fulfil statutory obligations or other regulatory obligations?

Specific legislation setting out mandatory retention periods for documentation held by < FD NAME > is limited but includes:

- The General Data Protection Regulation provides that data must be held for no longer than is necessary for the purposes for which the personal data is processed
- Standard contract law stands for 6 years following completion under the contract under the Limitations Act

Refer to the attached document retention schedules for relevant guidance.

3. Is retention required for evidence?

Is there an outstanding insurance claim, pending legal action or the likelihood of either?

4. Is there a current business requirement or Subject Access Request (SAR) that needs this information?

5. Is retention required to meet any operational or business needs?

6. How is the document to be disposed of?

Ensure appropriate destruction certificates are completed and stored (if applicable).





The General Data Protection Regulation Document Retention Policy

Example Appendix C: Document retention schedule

TEMPLATE CERTIFICATE OF DESTRUCTION

THIS DOCUMENT GIVES A RECORD OF THE FOLLOWING ITEMS DUE FOR DESTRUCTION. PLEASE SIGN BELOW TO AUTHORISE AND SCAN A COPY OF THE CERTIFICATE TO THE RELEVANT STORAGE LOCATION.

| | |
|-----------------------|------------------------------|
| Department / Division | Relevant authorising manager |
| Email | Telephone |

RECORDS TO BE DESTROYED

| Document type, name | Outwith retention period? | Authorisation received? Give relevant details. | Destruction date |
|---------------------|---------------------------|---|------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Record destruction authorisation name and signature: _____ Date: _____

Records destroyed by _____ on _____

