



## **DATA RETENTION AND DISPOSAL POLICY FOR SELBORNE CHAMBERS LIMITED**

### **INTRODUCTION**

In the course of carrying out various functions, we create and hold a wide range of recorded information. Records will be properly retained to enable us to meet his business needs, legal requirements, to evidence events or agreements in the event of allegations or disputes and to ensure that any records of historic value are preserved.

The untimely destruction of records could affect:

- the conduct of business;
- the ability of the business to defend or instigate legal actions;
- the business's ability to comply with statutory obligations; and/or
- the business's reputation.

Conversely, the permanent retention of records is undesirable and in certain circumstances, unlawful. Therefore, disposal is necessary to free up storage space, reduce administrative burden and to ensure that the organisation does not unlawfully retain records for longer than necessary particularly those containing personal data.

This policy supports our organisation in demonstrating accountability through the proper retention of records and by demonstrating that disposal decisions are taken with proper authority and in accordance with due process.

### **PURPOSE**

The purpose of this policy is to provide guidance as to set out the length of time that records should be retained and the processes to review the records as to any further retention or for disposing of records at the end of the retention period. The policy helps to ensure that we operate in compliance with the General Data Protection Regulation and any other legislative or regulatory retention obligations.

## SCOPE

The policy covers records irrespective of the media on which they are created or held including:

- paper;
- electronic files (including database, Word documents, power point presentations, spreadsheets, webpages and e-mails); and
- photographs, scanned images, CD-ROMs and video tapes.

The policy covers all types of records that we create or hold which may include but are not limited to:

- employee data;
- customer data;
- minutes of meetings;
- data from external parties;
- contracts and invoices;
- registers;
- legal advice;
- file notes; and
- financial accounts

## APPLICATION

The policy applies equally to all permanent and casual employees, agency staff and outsourced suppliers.

## MINIMUM RETENTION PERIOD

Unless a record has been marked for 'permanent preservation' it should only be retained for a limited period of time. A recommended minimum retention period is provided for each category of record in the Data Processed Register. The retention period applies to all records within that category.

The recommended minimum retention periods derive from either:

- business need;
- legislation;
- responding to complaints; and
- taking or defending legal action.

**The current agreed data retention periods are set out in Appendix 1.**

## DISPOSAL

The Data Protection Officer is responsible for ensuring that data is periodically reviewed (at least annually) to determine whether any retention periods have expired. Once the retention period has expired, the data must be reviewed and a disposal action agreed upon.

A disposal action is:

- the destruction of data; or
- the retention of the data for a further period; or,
- alternative disposal of the data.

The disposal decision must be reached having regard to:

- on-going business and accountability needs (including audit);
- current applicable legislation;
- whether the data has any long-term historical or research value;
- best practice in the legal industry
- costs associated with continued storage versus costs of destruction;
- the legal, political and reputational risks associated with keeping, destroying or losing control over the record.

**Decisions must not be made with the intent of denying access or destroying evidence.**

#### DESTRUCTION

No destruction of data should take place without assurance that:

- the data is no longer required by any part of the business;
- no work is outstanding by any part of the business;
- no litigation or investigation is current or pending which affects the data; and
- there are no current or pending Freedom of Information or Data Protection access request which affect the data.

#### DESTRUCTION OF PAPER RECORDS

Destruction should be carried out in a way that preserves the confidentiality of the data. Non-confidential data can be placed in ordinary rubbish bins or recycling bins. Confidential data should be placed in confidential waste bins or shredded and placed in paper rubbish sacks for collection by an approved disposal firm. All copies including security copies, preservation copies and backup copies should be destroyed at the same time and in the same manner.

#### DESTRUCTION OF ELECTRONIC RECORDS

All electronic data will need to be either physically destroyed or deleted.

#### FURTHER RETENTION

The data may be retained for a further period if it has on-going business value or if there is specific legislation that requires it to be held for a further period.

FURTHER INFORMATION

This document should be read in conjunction with the Data Protection Policy and Data security Policy.

Review Date	Reviewed
12 June 2019	IJC

## APPENDIX 1

### Data Retention Periods

Data Type	Retention Period	Rationale	Location
<u>Employee Data</u>	7 years post cessation of employment	For business need; Responding to complaints; Defending litigation.	
<u>Member Data</u> (being data <i>qua</i> Member)	7 years post cessation of last dealing	For business needs; Responding to complaints; Defending litigation.	
<u>Organisational Data</u>			
Minutes of meetings	Indefinitely	For business need; Responding to complaints; Defending litigation.	
Financial documents	7 years post year end	For business need; Responding to complaints; Defending litigation.	
<u>Contractor Data</u>	7 years post cessation of contractual relationship/ warranty period	For business need; Responding to complaints; Defending litigation	
<u>Members' Practice Data</u>			
Emails, documents Data stored on Lex	Indefinitely	Covered by members' individual policies	
		Chambers has no basis for determining the relevant nature of emails (e.g. those involving minors)	
		Responding to complaints	
		Business needs	
		Defending litigation	