

DATA RETENTION POLICY

EG/Board Approval	June 2020	Responsible Board:	Ocean Housing Group Ltd
Next Review:	June 2021	Responsible Executive:	Group Director of Resources acting as Data Protection Officer

1.0 Objective

- 1.1 This policy functions in conjunction with the Retention and end-of-life of Personal Data Procedure and the Retention Schedule to ensure that personal data are not kept for longer than necessary and are disposed of in a secure manner when they are no longer required.

Article 5.1(e) (the fifth principle): Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

Recital 39: In order to ensure that the personal data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review.

2.0 Scope

- 2.1 This policy applies to all personal data in respect of which Ocean Housing Group is the data controller, regardless of its format, including all forms of digital data (including e-mail), all forms of paper documents and all form of archived data. These information assets are listed in the Information Asset Register.

3.0 Responsibilities

- 3.1 The Group Director of Resources is currently responsible for performing the duties of the Data Protection Officer.
- 3.2 The Data Protection Officer is responsible for reviewing this policy annually, maintaining and publicising it.
- 3.3 All managers are responsible for ensuring that staff receive awareness training in respect of the Data Protection Regulations, and comply with this policy and any supporting procedures.
- 3.4 All staff (permanent, temporary and contract) are responsible for complying with this policy and any supporting procedures.

4.0 Governance

- 4.1 This policy is approved and owned by the Group Board and the Executive Group.

5.0 Policy Statement

- 5.1 It is the policy of Ocean Housing Group Ltd that:-

- Personal data is kept in a form such that data subjects can be identified only for as long as is necessary.

- Information Asset Owners (as identified in the Information Asset Register) determine the retention period for personal data under their control having first obtained the advice of the Data Protection Officer.
- The Data Protection Officer maintains a Retention Schedule which records approved retention periods, the reasoning for the retention period and end of life treatment.
- Information Asset Owners review personal data held against the Retention Schedule on a continuous basis and ensure that any data that are no longer required in the context of the registered purpose are securely anonymised or erased as and when reasonably possible
- The Information Asset Owner shall not approve the retention of any personal data beyond the identified retention periods defined in the Retention Schedule unless the further retention is recorded and confirmation has been obtained from the Data Protection Officer that the further retention is clearly justified in the circumstances and complies with data protection legislation.
- Where the personal data is to be kept for the long-term or is to be retained for other reasons such as being the subject of a Data Subject Rights request, an investigation by the supervisory authority or legal proceedings, the Information Asset Owner shall ensure that the retention of the data is risk-assessed in accordance with the Retention Policy to ensure that appropriate technical and organisational measures such as data minimisation, encryption or anonymisation are applied to safeguard rights and freedoms of data subjects.
- Information Asset Owners in liaison with the Data Protection Officer shall ensure that relevant information about the retention schedules and disposal procedures is communicated to employees at all levels and that awareness and understanding is measured and reported.
- Retention periods for all information assets are made publicly known to data subjects. Any changes to retention periods and/or information assets results in an update to the published version.

6.0 Data Retention Periods

6.1 Where statutory and recommended retention periods differ the recommended period should be followed. A key to statutory retention sources follow this table.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
1. Governance Documents				
Certificate of Incorporation	N/A	N/A	Permanently	Implied by CA, Sec.15.
Certificate of change of company name	N/A	N/A	Permanently	Implied by CA, Sec.80.
Memorandum and articles of association (original)	N/A	N/A	Permanently	Best practice.
Articles of association (current)	Permanently	CA	Permanently	Best practice.
Governance Documentation	N/A	N/A	Permanently	Required for charitable status.
Constitution, Aims and Objectives	N/A	N/A	Permanently	Required for charitable status.
Confirmation letter of charitable registration	N/A	N/A	Permanently	Best practice.
HMRC confirmation of charitable status	N/A	N/A	Permanently	Best practice
Registration documentation (I & P Societies)	Permanently	IPSA	Permanently	Best practice.
Certificate of registration with the housing regulator	N/A	N/A	Permanently	Best practice.
Board member documents – apt letters, SLAs, bank details etc	N/A	N/A	6 years after board membership ceases though some details should be destroyed when membership ceases eg bank details etc	DPA 1998 5 th principle CA 2006 recommendation for docs post termination of directorship

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
2. Meetings (incl AGMs)				
Notices of meetings	N/A	N/A	6 years	In case of challenge to validity of meeting or resolutions.
Board and committee minutes (companies)	Permanently	CA	Permanently	Signed originals must be kept.
Board resolutions (companies)	Permanently	CA	Permanently	Signed originals must be kept.
Minutes and resolutions of trustees (charities)	N/A	N/A	Permanently	Charity Commission requirement CC48
3. Registrations and Statutory Returns:				
Annual returns to the regulator	N/A	N/A	5years	Best practice.
Audited company returns and financial statements (including Community Benefit Societies Annual Returns to Financial Conduct Authority)	N/A	N/A	Permanently	Best practice.
Declarations of interest	N/A	N/A	6 years	Limitation for legal proceedings.
Register of directors and secretaries	Permanently	CA	Permanently	
Register of Shareholding members	Permanently	CA	Permanently	Records may be removed from register 20 years after membership ceases.
Register of seals	N/A	N/A	Permanently	Best practice.
Register of share certificates	N/A	N/A	Permanently	Best practice.
List of members (Community Benefit Societies)	N/A	N/A	Permanently	Required by Financial Conduct Authority.
Nursing home and residential care homes registration certificates	N/A	N/A	Permanently	Best practice.
Nursing home and residential care homes inspection reports	N/A	N/A	6 years following end of management	Limitation for legal proceedings. Reports are public documents.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
4. Strategic Management				
Business plans & supporting documentation (e.g. organisation structures, aims, objectives, funding issues)	N/A	N/A	5 years after plan completion	Best practice.
5. Insurances				
Current and former policies	N/A	N/A	Permanently	Limitation can commence from knowledge of potential claim and not necessarily the cause of the claim. N.B. Housing Association Boards must annually reaffirm formally their continuation of the Voluntary Board Members Liability Policy (automatically provided via NHF membership). NCVO recommends 3 years after lapse.
Annual Insurance schedule	N/A	N/A	6 years	Best practice.
Claims and related correspondence	N/A	N/A	2 years after settlement	Zurich Municipal recommendation. NCVO recommends 3 years after settlement
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings. 12 years if related to land.
Group health policies	N/A	N/A	12 years after cessation of benefit	Best practice
Employer's liability insurance certificate	N/A	N/A	40 Years	2008 regs removed requirement to retain for 40 years but need to be mindful of 'long tail' industrial disease claims etc.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
6. Finance, Accounting & Tax Records				
Accounting records for Limited Company	3 years from the date made	CA Sec 388	6 years	TMA Sec.20. may require any documents relating to tax over 6 (plus) years.
Accounting records for Community Benefit Societies or Charity	N/A	N/A	6years	Required by Financial Conduct Authority and Charity Commissioner.
Balance sheets and supporting documents	N/A	N/A	6 to 10 years	Best practice. To relate to accounting records.
Loan account control reports	N/A	N/A	6years	Best practice.
Social Housing Grant documentation	N/A	N/A	Permanently	Best practice.
Signed copy of report and accounts	N/A	N/A	Permanently	Best practice.
Budgets and internal financial reports	N/A	N/A	2 years	Best practice.
Tax returns and records	N/A	N/A	10 years	TMA Sec.20. may require any documents relating to tax over 6 (plus) years.
VAT records	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.
Orders and delivery notes	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.
Copy invoices	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.
Credit and debit notes	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.
Cash records & till rolls	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.
Journal transfer documents	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.
Creditors, debtors & cash income control accounts	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.
VAT related correspondence	6 years	VATA	6 years	HMRC requirement for VAT registered bodies.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
7. Other Banking Records (including Giro)				
Cheques	N/A	N/A	6 years	Limitation for legal proceedings.
Paying in counterfoils	N/A	N/A	6 years	Limitation for legal proceedings.
Bank statements and reconciliations	3 years from the end of the financial year the transactions were made	CA	6 years	Limitation for legal proceedings.
Instructions to bank	N/A	N/A	6 years	Limitation for legal proceedings.
8. Contracts and Agreements:				
Contracts under seal and/or executed as deeds	N/A	N/A	12 years after completion (including any defects liability period)	Limitation for legal proceedings.
Contracts for the supply of goods or services, including professional services	N/A	N/A	6 years after completion (including any defects liability period)	Limitation for legal proceedings (12 years if related to land).
Documentation relating to small one-off purchases of goods and services, where there is no continuing maintenance or similar requirement	N/A	N/A	3 years	Best practice. Suggested limit: goods or services costing up to £10,000.
Loan agreements	N/A	N/A	12 years after last payment	Best practice.
Licensing agreements	N/A	N/A	6 years after expiry	Limitation for legal proceedings.
Rental and hire purchase agreements	N/A	N/A	6 years after expiry	Limitation for legal proceedings.
Indemnities and guarantees	N/A	N/A	6 years after expiry	Limitation for legal proceedings.
Documents relating to successful tender	N/A	N/A	6 years after end of contract	Best practice.
Documents relating to unsuccessful tenders	N/A	N/A	2 years after notification	Best practice.
Forms of tender	N/A	N/A	6 years	Best practice.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
9. Charitable Donations				
Deeds of covenant	6 years after last payment	TMA	12 years after last payment	Limitation for legal proceedings if related to land.
Index of donations granted	N/A	N/A	6 years	Best practice.
Account documentation	3 years	CA	6 years	Best practice.
10. Application and Tenancy Records:				
Applications for accommodation	N/A	N/A	6 years after offer accepted	Best practice.
Continuous Recording of lettings and sales (CORE) data record form	N/A	N/A	None	Best practice in DPA compliance requires form to be destroyed immediately statistics have been recorded.
Housing Benefit notifications	N/A	N/A	2 years	Recommendation of Institute of Rent Officers (now merged with CloH).
Rent statements	N/A	N/A	2 years	Best practice.
Tenants' tenancy Files, including rent payment records, and details of any complaints and harassment cases	N/A	N/A	In general, for the length of the tenancy up to 6 years post tenancy. There may be occasion to weed very old, but still current, files. Judgment should be used in what to keep and destroy. Any live issues must be kept.	Limitations Act 1980 and Best practice with DPA compliance 5th principle. For rent payment details, best practice suggests live system holds 2 years records plus current year.
Former tenants' Tenancy Agreements, and details of their leaving	N/A	N/A	6 years	Best practice with DPA compliance 5th principle
Care plans for children and related documents	75 years	Ch A	Permanently	Some documents may be transferred to subsequent caring agency.
Care plans for adults and related documents	N/A	N/A	Permanently	May be subject to DPA. Some documents may be transferred to subsequent caring agency.
Documentation, correspondence and information provided by other agencies relating to special needs of current tenants	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Medical and Social Services records liable to be confidential. To be returned or passed to subsequent agency at end of tenancy, or destroyed.
Records relating to offenders, ex-offenders and persons subject to cautions	N/A	N/A	While tenancy continues	Information held on 'need to know' basis. Police sourced records may be confidential. To be dealt with as required

				by police.
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Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
11. Property Records				
Rent registrations (superseded)	N/A	N/A	6 years	6 years if it has been superseded by a subsequent registration.
Rent Registration (not superseded)	N/A	N/A	Permanently	When no new fair rent has been registered (for example because there is no longer a Rent Act tenant in the property) the maximum recoverable rent will be applicable if a Rent Act tenant is ever moved into the property.
Fair rent documentation	N/A	N/A	6years	Rent Officer recommendation.
Leases and deeds of ownership	N/A	N/A	While owned Deeds of title – permanently or until property disposed of. Leases – Fifteen years after expiry [from NCVO]	Best practice.
Copy of former leases	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal.
Wayleaves, licences and easements	N/A	N/A	12 years after rights given or received cease	Limitation for legal action relating to land or contracts under seal.
Abstracts of title	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal.
Planning and building control permissions	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal.
Searches	N/A	N/A	12 years after interest ceases	Limitation for legal action relating to land or contracts under seal.
Property maintenance records	N/A	N/A	6 years	Limitation for legal action.
Reports and professional opinions	N/A	N/A	6 years	Limitation for legal action.
Development documentation relating to land purchase and contracts under seal	N/A	N/A	12 years after settlement of all issues	Limitation for legal action relating to land or contracts under seal.
Invoices relating to land purchase and contracts under seal	6 years	VATA	12 years	Limitation for legal action relating to land or contracts under seal.
VAT documentation	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section	See Finance, Accounting & Tax Records section

Insurance	See Insurances section	See Insurances section	See Insurances section	See section on insurance.
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12. Vehicles				
Mileage records	N/A	N/A	2 years after disposal	Best practice.
Maintenance records, MOT tests	N/A	N/A	2 years after disposal	Best practice.
Copy registrations	N/A	N/A	2 years after disposal	Best practice.
13. Capital Assets				
	N/A	N/A	Date of purchase to at least 6 years after date sold, transferred or disposed of.	Best practice
Fixed Asset Register	CA Charities Act	N/A	Permanently	
14. Employees: Tax and Social Security				
Record of taxable payments	6 years	TMA	6 years	HMRC requires retention of each payment for 3 years.
Record of tax deducted or refunded	6 years	TMA	6 years	HMRC requires retention of each payment for 3 years.
Record of earnings on which standard National Insurance Contributions payable	6 years	TMA	6 years	HMRC requires retention of each payment for 3 years.
Record of employer's and employee's National Insurance Contributions	6 years	TMA	6 years	HMRC requires retention of each payment for 3 years.
NIC contracted-out arrangements	6 years	TMA	6 years	
Copies of notices to employee (e.g. P45, P60)	6 years plus current year	TMA	6 years plus current year	
HMRC notice of code changes, pay & tax details	6 years	TMA	6 years	
Expense claims	N/A	N/A	6 years after audit	Best practice.
Record of sickness payments	3 years following year to which they relate	SSPR	6 years	HMRC requires retention of each payment for 3 years.
Record of maternity payments	3 years following year to which they relate	SMPR	6 years	HMRC requires retention of each payment for 3 years.
Income tax PAYE and NI returns	3 years following year to which they relate	IT(E)R	6 years	Best practice.
Redundancy details and record of payments & refunds	N/A	N/A	12 years	Institute of Personnel and Development (IPD) recommendation.

HMRC approvals	N/A	N/A	Permanently	IPD recommendation
Annual earnings summary	N/A	N/A	12 years	Best practice.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
15. Employees: Pension Schemes				
Actuarial valuation reports	N/A	N/A	Permanently	IPD recommendation.
Detailed returns of pension fund contributions	N/A	N/A	Permanently	Best practice.
Annual reconciliations of fund contributions	N/A	N/A	Permanently	Best practice.
Money purchase details	N/A	N/A	6 years after transfer or value taken	IPD recommendation.
Qualifying service details	N/A	N/A	6 years after transfer or value taken	IPD recommendation.
Investment policies	N/A	N/A	12 years from end of benefits payable under policy	IPD recommendation.
Pensioner records	N/A	N/A	12 years after benefits cease	IPD recommendation.
Records relating to retirement benefits	6 years after year of retirement	RBS(IP)R	6 years after year of retirement	Statutory requirement.
16. Employees (Personnel Procedures):				
Terms and conditions of service, both general terms and conditions applicable to all staff, and specific terms and conditions applying to individuals	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings.
Service contracts for directors (companies)	3 years	CA	6 years after directorship ceases	Best practice.
Remuneration package	N/A	N/A	6 years after last date of currency	Limitation for legal proceedings.
Former employees' Personnel Files	N/A	N/A	6 years	IPD recommendation.
References to be provided for former employees	N/A	N/A	20 years or until former employee reaches age 65 (whichever comes first)	Best practice.
Training programmes	N/A	N/A	6 years after completion	Best practice.
Individual training records	N/A	N/A	6 years after employment ceases	IPD recommendation.
Short lists, interview notes and related application forms	N/A	N/A	1 year	IPD recommendation.

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
Application forms of non-shortlisted candidates	Three months after notification	SDA & RRA	6 months	Recommendation of Commission for Racial Equality and Equal Opportunities Commission. LA – 1 year limitation for defamations
CRB (Now DBS) clearance documentation	Date of clearance + up to a maximum of six months		Date of clearance + up to a maximum of six months	DBS check code of practice (Home office)
Time cards	N/A	N/A	2 years after audit	IPD recommendation.
Trade union agreements	N/A	N/A	10 years after ceasing to be effective	IPD recommendation.
Trust deeds, rules and minutes (for joint employee/employer sports/social clubs, etc, set up under trust)	N/A	N/A	Permanently	IPD recommendation.
Employer/employee committee minutes	N/A	N/A	Permanently	IPD recommendation.
Insurance claims	See Insurances section	See Insurances section	See Insurances section	See Insurances section.

17. Employees: Health and Safety

Medical records relating to control of asbestos	40 years	CAWR	40 years	
Health and Safety assessments	N/A	N/A	Permanently	IPD recommendation.
Health and Safety policy statements	N/A	N/A	Permanently	Good practice.
Records of consultations with safety representatives	N/A	N/A	Permanently	IPD recommendation.
Accident records, reports	3 years after date of settlement	RIDDOR	6 years after date of occurrence	Limitation for legal proceedings. DPA
Accident books	N/A	N/A	6 years after date of last entry	Limitation for legal proceedings.
Sickness records	Three years after the end of each tax year for Statutory Sick Pay purposes	SSP (general) regulations	6 years from end of sickness	Limitation for legal proceedings. NCVO recommends 3 years. However for industrial injuries not detectable within that period e.g. asbestos, the time period may be extended. Also for employees exposed to hazardous substances.
Health and safety statutory notices	N/A	N/A	6 years after compliance	Limitation for legal proceedings

Document	Statutory Retention Period	Statutory Retention Source	Recommended Retention Period	Comments
18. Technical and research				NCVO recommends 12-15 years after requirements have ended for both Records & reports and drawings & other data
19. ASB case files and associated documents				5 years or until end of legal action
20. Supporting people – subsidy claims / support plans / single assessments including supporting information				Duration of tenancy
21. Resident meeting minutes	N/A	N/A	One year	DPA

7.0 Key and Definitions

7.1 Key to statutory retention sources

CA - Companies Act 2006

CAWR - Control of Asbestos at Work Regulations 1987

Ch A - Children's Act 1989

DPA - Data Protection Act 1998 or subsequent acts as required

IPSA - Industrial And Provident Societies Act 1965

IT(E)R - Income Tax (Employment) Regulations 1993

LA /Limitations for legal proceedings – Limitations Act 1980

RIDDOR - Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1985

RBS(IP)R - Retirement Benefits Schemes (Information Powers) Regulations 1995

RRA - Race Relations Act 1976

SDA - Sex Discrimination Acts 1965 & 1975

SMPR - Statutory Maternity Pay Regulations 1982

SSPR - Statutory Sick Pay Regulations 1982

TMA - Taxes Management Act 1970

VATA - Value Added Tax Act 1994

National Council for Voluntary Organisations (NCVO) guidance online: www.ncvo-vol.org.uk/askncvo/index.asp?id=108&terms=document%20retention

The ICSA Guide to document retention, 2nd edition, Andrew C Hamer, ICSA publishing

7.2 Definitions

Personal data: Information relating to a living individual who can be identified from the information or the information any other information in the possession of the Ocean Group.

Business data: Information relating to the business that cannot be attributed to an individual but is used for the sound management of the business.

Relevant filing system: Paper based records that are structured in such a way that specific information about a particular individual is readily available.

Data processor: Individuals or organisations that use personal data provided by the Group to carry out work or deliver services on its behalf (e.g. repair contractors, research companies, payroll processing company, backup tapes storage company, etc).

HMRC

Her Majesty's Revenue and Customs