

Retention and Disposal Guidance

1 Introduction

1.1 Healthwatch Worcester recognises the importance of effective record keeping and data management to enable it to operate effectively. To comply with the principles of the Data Protection Act 2018, records containing personal data must be:

- kept safe and secure
- kept for no longer than is absolutely necessary
- disposed of appropriately

1.2 Additionally, by law, enhanced confidentiality is required for more sensitive information, such as:

- ethnic background
- political opinion
- religious belief
- medical information
- criminal record

2 What documents does this guidance apply to?

2.1 This guidance applies equally to electronic data as well as paper records. The period of retention commences when the record is closed.

3 General - storage of records

3.1 All data should be stored as securely as possible in order to avoid potential misuse or loss. All records should be stored in the most convenient and appropriate location having regard to the period of retention required and the frequency with which access will be made.

3.2 Working documents that are not considered to be records should be disposed of as soon as they are no longer required.

3.2 Data and records which are no longer active, due to their age or subject, should be archived.

3.3 Any data file or record which contains personal data of any form should be considered as confidential in nature and handled appropriately.

4 Retention Schedule

4.1 No file should be retained for more than a maximum period of 6 years (after it is closed) unless a good reason can be demonstrated. In many instances, the period of retention will be shorter.

4.2 Reasons for longer retention may include:

- Statutory requirements (see Appendix A);
- The record contains information relevant to legal action which has been started or is 'reasonably' anticipated (in this event, records and information that are likely to be disclosable should not be amended or disposed of until the threat of litigation has been removed);
- The record should be archived for historical or research purposes, eg the record relates to an important policy development;
- The records are maintained for the purpose of retrospective comparison;
- Records relate to individuals who have been the subject of serious disciplinary action.

4.3 Where a decision is made to retain records for a longer period, the file should be clearly annotated with the reason why and who made the decision.

5 Disposal

5.1 In line with the Data Protection Act 2018, all information of a confidential or sensitive nature must be securely destroyed when it is no longer required. This further complies with the duty of confidentiality owed to our employees, partners, clients and other stakeholders.

5.2 When records or data are identified for disposal, a register of such records or data must be kept indicating the date of disposal.

5.3 Records should be disposed of appropriately with due regard to their sensitivity.

5.3 Paper can be disposed of in the confidential waste boxes provided at the Civic Centre.

5.4 Electronic data should be disposed of in line with the Data Protection policy.

5.5 Back-up copies of such data also need to be securely disposed of.

6. Further information

6.1 If you have questions or require further guidance, please contact the Managing Director or one of the other Directors.

Appendix A - Retention Schedule

| STATUTORY | | |
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| Type of Data | Minimum Retention Period | Reason |
| Accident books, Accident records and reports | 3 years from date of last entry (1) | Statutory - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) as amended |
| Accounting records | 6 years after the financial year to which they relate | Section 221 of the Companies Act 1995 as modified by the Companies Acts 1989 and 2006 |
| Income Tax and NI returns, income tax records and correspondence with HMRC | 3 years after the financial year to which they relate | The Income Tax (Employment) Regulations 1993 (as amended) |
| Medical records and details of biological tests under the Control of Lead at Work Regulations | 40 years from the date of last entry | The Control of Lead at Work Regulations 1998 (as amended) |
| Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH) | 40 years from date of last entry | The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) |
| Medical records under the Control of Asbestos at Work Regulations | 40 years from date of last entry | The Control of Asbestos at Work Regulations 2002 (as amended) |
| Medical records under the Ionising Radiations Regulations 1999 | Until the person reaches age 75, but in any event for at least 50 years | The Ionising Radiations Regulations 1999 |
| Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH) | 5 years from the date on which the tests were carried out | The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) |
| Records relating to children and young adults | Until the child/young person reaches the age of 21 | Limitation Act 1980 |

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| Retirement Benefits Schemes - records of notifiable events, eg relating to incapacity | 6 years from the end of the scheme year in which the event took place | The Retirement Benefits Schemes (Information Powers) Regulations 1995 |
| Statutory Maternity Pay records, calculations and certificates (Mat B1s) or other medical evidence | 3 years after the end of the tax year in which the maternity period ends | Statutory - the Statutory Maternity Pay (General) Regulations 1986 (as amended) |
| Statutory Sick Pay records, calculations, certificates and self-certificates | 3 years after the end of the tax year to which they relate | The Statutory Sick Pay (General) Regulations 1982 (as amended) |
| Wage and salary records (also overtime, bonuses, expenses) | 6 years after the end of the tax year to which they relate | Taxes Management Act 1970 |
| National Minimum Wage records | 3 years after the end of the pay reference period following the one the records cover | National Minimum Wage Act 1998 |
| Records related to Working Time | 2 years from the date on which they were made | The Working Time Regulations 1998 |
| NON STATUTORY | | |
| Type of Data | Minimum Retention Period | Reason |
| Application forms (unsuccessful candidates) | 6 months | In case of complaints or discrimination claims NB Successful candidates A/Fs will be transferred to their Personal file |
| Equal Opportunities Form (unsuccessful candidates) | 6 months | As above These should be filed separately as they contain sensitive information. |
| Interview notes (panel members must hand in all paperwork at end of interview to avoid duplicate retention) | 6 months | As above |
| Interview assessment tests | 6 months | As above |
| Pre-employment health screening forms and reports (rejected or withdrawn preferred candidates) | 6 months | As above These should be filed separately as they contain sensitive information. |

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| Personal file, including Application form and references | 6 years after employment ceases (2) | |
| Equal Opportunities Form (current staff) | 6 years after employment ceases | These should be filed separately as they contain sensitive information |
| Pre-employment health screening form and reports (current staff) and any other medical information relating to staff | 6 years after employment ceases | These should be filed separately as they contain sensitive information |
| Disciplinary records Staff disciplinary records including details of investigation, meeting notes, etc (panel members must hand in all papers at end of meeting to avoid duplicate retention) | 6 years after employment ceases | Any warnings must be removed from the Personal file in line with the Disciplinary Procedure and as quoted in letter Verbal warnings – 6 months First Written warnings – 1 year Final Written warnings – 1-2 years However Disciplinary records may be retained separately and confidentially in case of claims or for comparative purposes |
| Statutory Sick Pay records, calculations, FIT notes, hospital discharge certificates, self-certificates | 6 years after employment ceases | In case of disability discrimination claims |
| Training records | 6 years after employment ceases | |
| Risk assessments under Health and Safety Regulations | Permanently | In case of claims |
| Inland Revenue/HMRC approvals | Permanently | |
| Parental leave forms | 18 years from birth/adoption of the child | |
| Pension records | Until the employee reaches the age of 100 | |
| Money purchase details | 6 years after transfer or value taken | |

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| Redundancy details, calculations of payments | 6 years from date of redundancy | |
| Time sheets | 2 years after audit | |

- (1) Under the Limitation Act 1980, if the accident involves a child/young adult, records must be retained until that person reaches the age of 21
- (2) Basic facts of employment, eg dates of appointments, positions held, reason for leaving, etc should be held in permanently for supply of references, etc. – however, this should be restricted to only that which can be reasonably justified under the Data Protection Act 2018