



RED LION CHAMBERS

18 RED LION COURT, LONDON

&

THORNWOOD HOUSE, CHELMSFORD

DATA RETENTION AND DISPOSAL POLICY

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RED LION CHAMBERS DATA RETENTION AND DISPOSAL POLICY

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 our 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 the records listed in the Data Processed Register, irrespective of the media on which they are created or held, including:

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

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

- employee data;
- members data;
- clients data;
- minutes of meetings;
- data from external parties;
- contracts and invoices;
- registers;
- legal advice;
- file notes;

- financial accounts;
- financial data; and
- the organisation's publications.

Application

The policy applies equally to all permanent and casual employees, agency staff, contract 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 period derives from either:

- business need, i.e., running of chambers
- legislation;
- responding to complaints;
- taking or defending legal action;
- meeting the requirements set by a data processor within the Data Sharing Agreement, for example data shared with individual in their roles sitting on chambers committees.

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

Disposal

The Data Protection Officer/Lead 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 the data; or
- the retention of the data for a further period; or,
- alternative disposal of the data.

The disposal action decision must be reached having regard to:

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

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 requests which affect the data.

All significant disposals must be recorded on the Data Disposal Record, see Appendix 2.

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 in Chambers where they will be destroyed 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 wiped in keeping with Chamber's Data Security Policy. Deletion of the files is not sufficient.

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. [Data should not ordinarily be retained for more than 30 years in aggregate from the date of creation, save for human resources information that may need to be retained for 100 years from date of birth.]

Further Information

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

APPENDIX 1

Data Retention Period

Data Type	Retention Period	Rationale	Location
<u>Employee Data</u>	For the lifetime of their employment plus 1 year 7 years re financial records	Data necessary for the duration of employment term for the provision of employment services and to comply with the law.	[CRM system]
<u>Ex-Employee Data</u>	7 years	To allow post-employment queries and for HMRC	
<u>Pupillage Data</u>	7 years for those who attend for pupillage	Article 6(1)(f) – legitimate interest For recruitment and business development Re Health data retained Article 9 (16) Support for individuals with a particular disability or medical condition	



<u>Pupillage Applicant Data</u>	6 months after refusal for unsuccessful candidates or those who decline an offer. See Pupillage Data for those who become pupils.	To allow for post application queries and to address complaints.	
<u>Mini Pupils or Work Experience</u>	6 months after refusal for unsuccessful applicants		
<u>Members Data</u>	For the duration of their tenancy. 7 years re financial data	For the purposes of administrative and organisational support to the barrister members Re Health data retained Article 9 (16) Support for individuals with a particular disability or medical condition	
<u>Organisational Data</u>			
<u>Contractor Data</u>			
<u>General Management Committee Minutes</u>			
<u>Finance Committee Minutes</u>			
<u>WPAR Committee Minutes</u>			
<u>Tenancy Application Data</u>	One set re each applicant to be retained for six months post interview. Others to be disposed of immediately post final interview.	Article 6(1)(f) – legitimate interest For recruitment and business development Re Health data retained Article 9 (16) Support for individuals with a particular disability or medical condition There is a need to retain a set- in case of a later dispute but generally it is best to dispose of soonest as it is sensitive and the longer it is retained the more likely it is that it will leak.	
<u>Client Data?</u>			
<u>Suppliers Data</u>	Financial Records retained for 7 years	Article 6(1)(f) – legitimate interest to meet the admin and organisational requirements of chambers and HMRC.	

APPENDIX 2

Data Disposal Record

Data Type	Disposal Date	Disposal Method	Rationale
<u>Employee Data</u>			



<u>Members Data</u>			
<u>Organisational Data</u>			
<u>Contractor Data</u>			