

DOCUMENT RETENTION POLICY

1. Overview

In the course of carrying out its various business functions, The Apprenticeship Works Limited collects information from individuals and external organisations and generates a wide range of data/information which is recorded. These records can take many different forms, such as:

- Letters received from third parties
- Personnel records
- Invoices
- Financial records
- Expressions of Interest
- Application forms and learning plans
- Contact lists
- Contracts
- Contract Reviews
- Policies and procedures
- Email communications and attachments
- Photos

The above information can be retained as physical paper records or in electronic form.

Retention of specific documents may be necessary to:

- Fulfil contractual requirements
- Fulfil statutory or other regulatory requirements.
- Evidence events/agreements in the case of disputes.
- Meet operational needs.
- Ensure the preservation of documents of historic or other value.

The untimely destruction of documents could cause TAW Limited:

- Operational problems.
- Difficulty in defending litigious claims.
- Reputational damage.
- Failure to comply with the Data Protection Act 1998.

Conversely, the permanent retention of all documents is undesirable, and appropriate disposal is to be encouraged for the following reasons:

- To avoid unnecessary/excessive use of storage space (electronic or physical).
- Indefinite retention of personal data may be unlawful.
- Reduction of fire risk (in the case of paper records).
- To keep records and office accommodation de-cluttered.

Good practice in records management emphasises the importance of organisations having in place systems for the timely and secure disposal of documents/records that are no longer required for business purposes.

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2. Scope & purpose

The purpose of this policy is to provide an organisation-wide policy framework to govern management decisions on whether a particular document (or set of documents, including electronic versions) should either be:

- Retained – and if so in what format, and for what period; or
- Disposed of - and if so when and by what method.

For the avoidance of any doubt, this policy is not concerned with the disposal/retention of unused materials (e.g. stocks of paper, unused forms, and duplicated documents)

3. The retention/disposal protocol

Any decision whether to retain or dispose of a document should be taken in accordance with the retention/disposal protocol. This protocol consists of:

- The key disposal/retention considerations criteria checklist, set out in Appendix II. Essentially no document should be disposed of unless all these have been considered in relation to the document.
- The Retention Schedules (taken from the Records Management Society) contained in Appendix 2. These provide guidance on recommended and mandatory minimum retention periods for specific classes of documents/records.

Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document. Such reviews need not necessarily be detailed or time consuming.

In the event that a decision is taken to dispose of a particular document or set of documents, then consideration should be given to the method of disposal (see section 4 below).

All archived information must include a destroy date to ensure this can be destroyed in a timely manner.

TAW Limited store 12 months of documentation on site in a secure cabinets only accessible by appropriate staff members. After 12 months this documentation is moved to a secure off-site facility for the remainder of the retention period or destroyed if necessary.

4. Disposal of documents/records

TAW Limited staff members have an obligation to dispose of personal, confidential and business information in a secure manner.

For confidential paper information, staff members should cross shred on site and additionally put into the confidential waste system.

For confidential, electronic information:

- DVD's/CD's should be shredded and then put into the recycling system
- Computer hard drives and external storage media (such as USB sticks) should be wiped with a suitable software tool. No unencrypted data should be left on these types of media before reusing/reissuing/disposal
- Media that cannot be wiped initially will need to be sufficiently protected before being over written.

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5. Document retention and the Data Protection Act 1998

Staff should be aware that under the Data Protection Act personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

The Data Protection Legislation contains no interpretive provisions on this provision. It is a matter for reasonable judgement and common sense as to how long personal data should be retained.

Clearly, in many instances the retention of personal data will be necessary and thus justified for a significant period of time. In general, provided there is adherence to this Policy, few problems should arise.

6. How long should I store emails?

Not only does the storage of a large numbers of emails consume valuable computer resources but if the saved messages refer to individuals then they are also likely to be governed by the Data Protection Act 1998. This means that the subject of the message may have the right to request access to the email. Increasingly law courts are also asking organisations to compile data held in the form of emails as evidence in tribunals and other court cases. Emails should therefore not be retained for longer than is absolutely necessary.

As a rule of thumb, emails should be deleted after 12 months unless it is necessary to retain them for longer.



Chris Luty
Executive Director

February 2017

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Appendix 1: Key disposal/retention considerations criteria checklist

1. Has the document/record set been appraised?

As a first step, the nature/contents of any documents or records being considered for disposal should be ascertained. No document(s) should be earmarked or designated for disposal unless this has been done. Insofar as *existing documents or records* are concerned it follows that the above can only be achieved by inspection. The process may only take a few moments.

Nonetheless it can be a skilled task - depending on the complexity of the document(s) concerned – and should only be undertaken by staff that possess sufficient operational knowledge to enable them to identify the document concerned and its function within TAW. Any decision to the effect that *future documents* of a specified description be disposed of on expiry of a specified retention period should be an informed one *i.e.* taken with a full appreciation and understanding of the nature and function of the document/records.

The above is largely common sense, and hardly needs to be stated. However, if appraisal is inadvertently overlooked or carried out negligently, or by an employee who lacks the necessary background operational knowledge, BCTG runs the risk of important documents being destroyed in error.

2. Is retention required to fulfil contractual, statutory or other regulatory requirements?

There is very little specific legislation that stipulates mandatory retention periods for documents held by TAW. However, staff should seek advice if they believe that there may be legislation which, either directly or indirectly, imposes minimum retention periods on the documents they are handling. For instance, minimum retention periods for certain financial records may be applicable.

3. Is retention required to evidence events in the case of dispute?

On rare occasions, TAW may become involved in disputes with third parties. Such disputes, if not satisfactorily resolved, can result in reputational damage and the dissatisfied party potentially bringing legal proceedings against TAW. Conversely, TAW may wish to institute legal proceedings against an individual or organisation, e.g. to recover an unpaid debt, or in respect of faulty workmanship.

Where a dispute arises, or litigation has been commenced it is important that TAW has access to all correspondence and other documentation that is relevant to the matter.

The Limitations Act 1980 specifies time limits for commencing litigation. The starting point therefore, is that the retention period is the length of time that has to elapse before a claim is barred. The majority of potential legal claims are statute barred on the expiry of 6 years. For this reason many organisations consider it prudent to retain files/records for a period of 6 years from the date when the subject matter was completed.

It is important, though, to keep in mind that in the course of TAW everyday business large masses of document action are generated that serve no purpose after relatively short periods of time. Many documents will relate to completed matters where, realistically, the risk of subsequent litigation or other dispute is minimal, if not non-existent. Long-term retention of such documents is counterproductive. Staff should be prepared to carry out a risk analysis, with a view to disposal of such documents within a shorter period of than the 6 years' time frame.

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4. Is retention required to meet the operational needs of TAW?

In some cases retention may be desirable (whether permanent or otherwise) even though no minimum retention period applies or has expired. Staff should be aware of the risk of discarding documents or records that might be useful for future reference purposes (e.g. training), as precedents, or for performance management (performance indicators, benchmarking and comparison exercises). A professional judgement needs to be made as to the usefulness of a particular document.

5. Is retention required because the document or record is of historic interest or intrinsic value?

In most cases this consideration will not be applicable. However, it is possible that some documents/records may be of historic interest.

Where it is suspected that the document falls within this description appropriate enquiries should always be made before taking any further action. The Managing Director should be contacted for advice and guidance in the first instance.

Even if the document is of historical or monetary value, disposal rather than retention by TAW, may well be the appropriate option (e.g. by way of transfer to a third party).

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Appendix 2: Suggested retention period for different types of documents

Type of record	Suggested retention period
Accident records	3 years after end of investigation
Any information private to any individual	Destroy when no longer required
Bank records	7 years
Company records	Permanent
CVs and job applications not hired	6 months after notification
COSHH Records	40 years
Disciplinary records	5 years following end of employment
Employer's liability insurance certificate	40 years
General email correspondence	6 months unless likely that it will be need to retained for longer
Historical records relating to BCTG Limited	Permanent
Medical and safety records	7 years
Personnel files	5 years following end of employment
Property records, trust deeds	Permanent
Redundancy records	6 years after redundancy
Sickness/sick pay records	3 years
Software and hardware inventory details	7 years
SFA, EFA and ESF Funded Learner Records	In accordance with SFA/EFA funding rules
Tax records - self-employed or partnership	5 years from last tax date
Tax records - companies	6 years from last accounting period