

**Data Retention Policy**

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# Introduction

The UK General Data Protection Regulation (GDPR) AND OTHER UK DATA PROTECTION LAW provides that organisations which process personal data must not retain that data for any longer than is *necessary* for the purposes for which the personal data are processed.

# Purpose

This Policy details Ruchazie Housing Association’s (RHA) approach to the retention, deletion and destruction of personal data. All members of staff are obliged to familiarise themselves with this policy and refer to it on an ongoing basis to ensure that its terms are implemented and complied with.

# Storage of Personal Data

RHA stores personal data in a variety of ways. This includes hard copy documents, emails, digital documents stored on desktop computers, laptops, tablets, phones and other devices, data stored on our servers and in our cloud-based storage, along with data stored by third parties on our behalf.

When updating, rectifying, erasing and deleting any personal data, due care must be taken to ensure that all personal data held in all locations (including back-up storage) and in all forms is dealt with securely and to ensure that a consistent and accurate record of personal data is maintained.

# Retention of Personal Data

Different types of personal data may need to be retained for different periods of time depending on the purposes for which the data is processed and the legal and regulatory retention requirements in relation to certain categories of data.

In determining the appropriate retention period consideration should be given to the following factors:

1. the purposes for which the personal data is processed;
2. the legal basis for processing that personal data;
3. legal requirements for retention (particularly employment and health and safety law); and
4. regulatory requirements.

An appropriate retention period should be identified for each category of personal data. Data subjects must be informed of the retention period which applies to their personal data or, if there is no fixed retention period, the criteria used to determine that period; and where the purposes for which the data is processed have changed, any new retention period.

All personal data processed by RHA shall be retained in accordance with the periods set out in the Retention Schedule in this policy.

Personal data will be retained in accordance with the appropriate retention period and permanently deleted and/or securely destroyed in accordance with this policy. No personal data shall be destroyed or deleted other than in accordance with this policy.

# Review and Deletion of Personal Data

A review of the personal data processed by RHA will be carried out on an annual basis. During the course of this review RHA will:

1. Review the retention periods for each category of personal data processed and whether any alteration to these periods is required
2. Identify personal data which is due for destruction and deletion
3. Arrange for the secure deletion and destruction of personal data which will no longer be retained

# Data Subject Rights

Under the GDPR data subjects are entitled, in certain circumstances to require the erasure of their personal data. Any request from a data subject must be passed to the Compliance Manager as soon as possible.

A data subject may insist on erasure of their personal data where:

1. it is no longer necessary for the purposes for which it was processed;
2. where consent has been withdrawn by the data subject;
3. where there is no legal basis for the processing of the data; or
4. where there is a legal obligation to delete the data.

The data subject’s rights to erasure are not absolute and do not apply to personal data where processing is necessary for:

1. exercising the rights of freedom of expression;
2. to comply with a legal obligation in the public interest or in the exercise of an official authority;
3. for public health reasons;
4. for archiving purposes; and
5. for the establishment, exercise or defence of legal claims.

Where personal data is erased following receipt of a request by a data subject XXXX will confirm in writing to the data subject that their personal data has been destroyed. Such a response shall be issued to the data subject unless it is impossible or requires disproportionate effort to do so.

Where any request for erasure is refused, RHA will advise the data subject in writing that their request has been refused and detail the reasons for refusal.

# Monitoring and Review

This policy was last updated on 10.5.23 and shall be regularly monitored and reviewed, at least every two years.

# Retention Schedule

| Section in Full retention schedule | Type of record | Recommended retention time |
| --- | --- | --- |
| Part 1 Governance | Corporate documents | Life of company |
|  | Data Governance | Email 12 months  CCTV – 30 days  BWV – 30 days  Call recordings – 30-90 days  Data breach records – 6 years  Data subject requests – 1 years |
|  | Board Members Documents | 6 years from termination of board membership |
|  | Board meetings/residents’ meetings (e.g. Agendas, notice of meetings etc) | 10 years |
|  | Statutory returns | Life of the company |
|  | Insurance | Life of the company |
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| Part 2 Finance | Account records, cash books, purchase ledger | 6 years plus current year |
|  | Other periodic records | 2 years |
|  | Fixed asset register | Life of the company |
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| Part 3 Contracts | Contracts for supply of goods and services | 6 years from completion |
|  | Loan agreements | 12 years after last payment |
|  | Purchase of medical devices | 11 years |
|  | Documents relation to successful tenders | 6 years |
|  | Documents relating to unsuccessful form of tender | 2 years after notification |
|  |  |  |
| Part 4 Human resources, Health and safety | Personal files including training records and notes of disciplinary and grievance hearings | 6 years from end of employment |
|  | Redundancy details, calculations of payments, refunds, notification to the Secretary of State | 6 years from the date of the redundancy |
|  | Application forms, interview notes | Unsuccessful 1 year from date of interviews.  Successful applicants documents should be transferred to personal file. |
|  | Documents proving the right to work in the UK | Review and destroy once checked. |
|  | Facts relating to redundancies | 6 years if less than 20 redundancies.  12 years if 20 or more redundancies. |
|  | Payroll | 6 years from the end of tax year |
|  | Income tax, NI returns, correspondence with tax office | 6 years from end of tax year |
|  | Retirement benefits schemes – notifiable events, e.g. relating to incapacity | 6 years from end of the scheme year in which the event took place |
|  | Pensioners records | 12 years after the benefit ceases |
|  | Statutory maternity/paternity and adoption pay records, calculations, certificates (MAT 1Bs) or other medical evidence | 3 years after the end of the tax year to which they relate |
|  | Parental Leave | 18 years |
|  | Statutory Sick Pay records, calculations, certificates, self-certificates | 3 years |
|  | Wages/salary records, expenses, bonuses | 6 years |
|  | Records relating to working time | 2 years from the date they were made |
|  | Accident books and records and reports of accidents | 3 years after the date of the last entry |
|  | Health and Safety assessments and records of consultations with safety representatives and committee | Permanently |
|  | Health records | During employment and 3 years thereafter if reason for termination of employment is connected to health |
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| Part 5 Marketing | Profiling, consent, soft opt in | 2 years |
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| Part 6 Vehicles | Company car information | See employment – 6 years |
|  | Driver license | See employment – 6 years |
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| Part 7 Housing application and tenancy records | Applicants for accommodation | 6 years after accepted offer |
|  | Housing Benefits Notifications | 2 years (SFHA duration of tenancy) |
|  | Tenancy files | 6 years (SFHA duration of tenancy) |
|  | Former tenants’ files (key info) | 6 years from end of tenancy |
|  | Third Party documents re care plans | 6 years |
|  | Records re offenders. Ex-offenders (sex offender register) | 25 years or 6 years after termination of tenancy |
|  | Lease documents | 15 years after lease termination |
|  | ASB case files | 2 years/end of legal action |
|  | Board meetings/residents’ meetings (e.g. Agendas, notice of meetings etc) | 1 year (this does not refer to minutes of meetings as these must be permanently retained) |
|  | Minute of factoring meetings | Duration of appointment |
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