

# Title of procedure: Data Retention

Unique ref number: CEOPO02

Directorate: Office of the CEO

Department: Data Protection

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Please note: this document contains links to other documents

## Purpose:

Guide Dogs needs to hold its records appropriately and in accordance with statutory and best practice. Good record management is based on the principles of regular review and controlled retention or destruction of information.

### 1. To whom the procedure applies:

It applies to all staff, contractors and volunteers who hold Guide Dogs records for any purpose and to all data records generated in the course of Guide Dogs operations.

### 2. Instructions:

Guide Dogs' records are the outputs that document each and every detail about the business and administration within the organisation including both hard copy and soft copy documentation. For example, this could be the breeding record of a dog, invoices received, branch records, contracts with suppliers, policy papers and emails exchanged throughout the organisation, both internal and external.

Certain records have to be retained for a minimum period as prescribed by the law. The General Data Protection Regulation requires that all data shall not be kept longer than is necessary. While balancing these 2 requirements, Guide Dogs must also consider how long it needs to retain information for its justifiable business purposes which, in some cases, will be longer than the minimum statutory period.

The General Data Protection Regulation requires that all data must be kept safe from unauthorised access, accidental loss or destruction. Guide Dogs will store all of its records in this way using methods of storage appropriate for the record in question. For example, some records should be stored electronically where hard copies do not need to be retained or in lockable cabinets where hard copy records are of a particularly sensitive or confidential nature. Other than centrally held records, senior managers shall be ensuring that records in their functional areas are stored appropriately.

Where records need to be archived rather than destroyed, the senior manager with responsibility for a functional area should be responsible for ensuring the records to be archived are boxed with a clearly identifiable owner and destroy date before passing to Facilities for archiving. Facilities shall then be responsible for destroying the records securely and appropriately on the destroy date.

With a few exceptions, as detailed in the appendices to this procedure, all records will at sometime require destruction.

The senior manager with responsibility for a functional area should be accountable for maintaining and reviewing the record disposal within that functional area. In the case of Mobility Services it may be further split in line with current geographical responsibilities.

All records should be disposed of appropriately be it by way of cross shredding or confidential waste removal in the case of hard copy or using approved IS destruction methods in the case of soft copy.

### 3. Employee records

All records containing personal data such as volunteer or client records must be held in accordance with the principles contained in the General Data Protection Regulation. Specific rules apply to employee records. Care must be taken over access to personnel records in order to comply with the General Data Protection Regulation. Information held on employees must never be passed to those with no legitimate interest, and all such information must be objective and accurate. Employees have the right of access to virtually all personal files relating to them, and can require the organisation to justify decisions that have been made, including those made with the assistance of a computer system that e.g. sifts applications, or compiles a shortlist.

#### **Continuous Improvement:**

If you wish to suggest an improvement, please contact the Data Protection Officer

### 4. Responsibilities:

Phillippa Caine, Data Protection Officer

### 5. Supporting documentation to be used alongside the procedure:

Data Retention Policy

### 6. Related documentation (for further reading):

Data Protection Policy

## 7. Monitoring:

- General Data Protection Regulations May 2018
- Data Protection Act 2018

## 8. Appendices:

**Appendix 1** provides a list of documents which must be retained by law and details for how long they must be stored as a minimum.

**Appendix 2** provides a list of other documents and details which Guide Dogs requires to be stored relating to, for example clients, with the appropriate periods for retention. There may be other records held by the organisation not contained within either of these appendices. It is for the senior manager in the functional area to which the records are relevant to decide how long the records should be retained based on best practice.

**Appendix 3** provides detailed guidance in the area of Supporters of Guide Dogs in a Fundraising capacity.

**Appendix 4** provides detailed guidance in the area of Employee records.

## 9. Document Information:

- **Owner: Phillipa Caine**
- **Job Title: Data Protection Officer**
- **Author: Linda Jackson**
- **Job Title: GDPR Data Manager**
- **Approved date:**
- **Last Reviewed Date: May 2018**
- **Review Frequency: Every two years**
- **Next Update Due: May 2019**

## 10. Version control table:

(Please note that the table below contains 5 columns and 2 rows)

Version No.	Detail of change / sign off	Author / Name	Position	Date
1.0		Linda Jackson	GDPR Data Manager	18/05/2018

## APPENDIX 1

### DATA RETENTION GOVERNED BY STATUTE – MINIMUM PERIODS OF RETENTION

#### Contracts

(Please note that the table below contains 2 columns and 7 rows)

Type of Document	Period of Retention
Contracts with suppliers, customers or agents	Six years after expiry of contract
Licensing agreements	As above
Rental/hire purchase agreements	As above
Indemnities or guarantees	As above
Other agreements/contracts	As above
<b>Comments</b>	Six years is generally the time limit within which proceedings based on a contract may be brought <sup>1</sup> If the contract is executed as a deed, the limitation period is twelve years Actions for latent damage may be brought up to fifteen years after the damage occurs

#### Property

(Please note that the table below contains 2 columns and 7 rows)

Type of Document	Period of Retention
Deeds of title	Permanently or until property disposed of
Leases (signed copies)	Fifteen years after expiry or termination <sup>2</sup>
Subletting (signed copies)	Twelve years after expiry or termination
Landlord's consents	Fifteen years after surrender, expiry or termination of lease or memorandum of terms
Licences	Fifteen years after surrender, expiry or termination of lease
Planning consents	Until the property is sold or consent expires

<sup>1</sup> Limitation Act 1980 Section 5

<sup>2</sup> Limitation Act 1980 Section 14B

## New buildings and improvements

(Please note that the table below contains 2 columns and 6 rows)

Type of Document	Period of Retention
Specifications	Up to twenty-five years
Bills of quantity	Up to twenty-five years
Tender documents	Fifteen years after the project has been completed
Agreements with contractors and consultants	Fifteen years after the project has been completed
Surveys and inspections	Permanently

## Property Reports

(Please note that the table below contains 2 columns and 7 rows)

Type of Document	Period of Retention
Architectural reports	Twenty-five years
Structural engineering, mechanical, electrical engineering and drainage services reports	Fifteen years
Building condition surveys	Twenty-five years
Asbestos surveys	Forty years
Site surveys	Twenty-five years
Maps plans and Drawings	Twenty-five years

## Property Maintenance

(Please note that the table below contains 2 columns and 4 rows)

Type of Document	Period of Retention
Contracts and related files	Six years after end of contract
Maintenance schedules	Fifteen years
Maintenance log	Fifteen years

## Accounts

(Please note that the table below contains 3 columns and 2 rows)

Type of Document	Period of Retention	Comments
Company accounts	Under the Companies Act <sup>3</sup> accounting records must be retained for companies for a minimum of six years plus the current tax year from the date they are made	Some accounting records will be required for tax purposes

## Tax

(Please note that the table below contains 3 columns and 5 rows)

Type of Document	Period of Retention	Comments
Supporting documentation for tax returns	Six years plus the current tax year <sup>4</sup>	In general when there is an enquiry into a tax return, records should be retained until the enquiry is complete
VAT	Six years plus the current tax year	
Corporation Tax	Six years plus the current tax year from the end of the period for which the company may be required to deliver a company tax return <sup>5</sup>	
PAYE	For PAYE records not required to be sent to the HM Revenue & Customs, not less than three years after the end of the tax year to which they relate <sup>6</sup>	However, payroll records should be kept for six years

<sup>3</sup> Companies Act 1985 Section 222 (5)

<sup>4</sup> VAT Act 1994 Section 58 and Schedule 11, paragraph 6

<sup>5</sup> Finance Act 1998 Schedule 18 paragraph 21-22

<sup>6</sup> Income Tax (PAYE) Regulation 2003 Regulation 97



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## Banking Records

(Please note that the table below contains 2 columns and 3 rows)

Type of Document	Period of Retention
Cheques and other negotiated instruments, bank statements, cheque listings, paying in books and receipting batches including those held by branches	Three years for limited companies
Instructions to banks	Six years after ceasing to be effective

## Credit Card Records

(Please note that the table below contains 3 columns and 2 rows)

Type of Document	Period of Retention	Comments
Posted batches including PAN references	Destroyed after three weeks	This allows for any queries regarding payments / donations

## Branch Records

(Please note that the table below contains 2 columns and 4 rows)

Type of Document	Period of Retention
Branch Constitution	Six years after the branch has closed
Branch Accounts	Six years
Correspondence with bank re branch bank details	Six years

## Motor Vehicles

(Please note that the table below contains 2 columns and 4 rows)

<b>Type of Document</b>	<b>Period of Retention</b>
MOT certificates	Until vehicle is sold
Vehicle Registration	As above
Maintenance logs	As above

## Insurance

(Please note that the table below contains 3 columns and 3 rows)

<b>Type of Document</b>	<b>Period of Retention</b>	<b>Comments</b>
Policies	six years after lapse	Employers Liability certificates of insurance to be retained indefinitely
Claims correspondence	six years after settlement or until the child reaches the age of 21	

## Donations, Subscription Records and Gift Aid

(Please note that the table below contains 2 columns and 6 rows)

<b>Type of Document</b>	<b>Period of Retention</b>
Gift Aid declarations	Six years from the date the declaration has expired
Direct debit mandates	As above
Donations granted and related correspondence	Six years
Deeds of covenant	Six years after the last payment made but up to twelve years if any payments are still outstanding or there is any dispute regarding the deed

Subscription records	Three years after cessation of membership <sup>7</sup>
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## Council and Committee Meetings

(Please note that the table below contains 2 columns and 2 rows)

Type of Document	Period of Retention
Signed Minutes of meetings	Indefinitely

## Companies Act Records

(Please note that the table below contains 2 columns and 4 rows)

Type of Document	Period of Retention
Register of Directors and Association Secretary	Life of company <sup>8</sup>
Certificate of incorporation	Life of company <sup>9</sup>
Articles and Memorandum of Association <ul style="list-style-type: none"> <li>• current version</li> <li>• signed copies of the original version</li> <li>• former version</li> </ul>	Life of company <sup>10</sup>

<sup>7</sup> Companies Act 1985 Section 222

<sup>8</sup> Companies Act 1985 Section 288

<sup>9</sup> Companies Act 1985 Section 13

<sup>10</sup> Companies Act 1985 Sections 19 and 20

## APPENDIX 2

### OTHER DATA RETENTION

#### Dog information

(please note the table below contains 3 columns and 3 rows)

Type of Document	Period of Retention	Comments
Puppy and dog Breeding Record	Indefinitely	Records for dogs long since deceased need to be accessible to trace patterns of hereditary disease.
Dog Training Record	Indefinitely	

#### Client Information

(please note the table below contains 3 columns and 3 rows)

Type of Document	Period of Retention	Comments
Client Information including: <ul style="list-style-type: none"> <li>• Aftercare</li> <li>• Training records</li> <li>• Assessments</li> <li>• Any other client information whether electronic or paper</li> </ul>	Three years after their last use of Guide Dogs services	The exception to this will be where either: <ul style="list-style-type: none"> <li>• Guide Dogs has decided to end a partnership or has refused training; or</li> <li>• there has been an accident/incident, complaint or a safeguarding concern involving the client (whether as perpetrator or victim); when the file will be retained indefinitely</li> </ul>

**NOTE: The following basic information shall be retained for each client for the lifetime of the client plus 3 years or 40 years from the last entry if date of death unknown:**

- name;
- appropriate Guide Dogs reference number if any;

- role;
- dates of service use;
- if Disclosure needed.

## Volunteer and Rehoming Records<sup>11</sup>

(please note the table below contains 3 columns and 8 rows)

Type of Document	Period of Retention	Comments
Information obtained from successful registration forms	Two years after they become inactive	
Unsuccessful registrations/applications including references if taken up	Six months	The exception to this is where an applicant requests to go on a waiting list where details held in accordance with being an active volunteer
CRB checks/Disclosures	The CRB and other national checking agencies recommend that Disclosure information is not kept for any longer than is necessary; generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep Disclosure information for longer, we will consult the CRB and give full consideration to the data protection and	

<sup>11</sup> This includes all volunteer roles e.g. puppy walkers, boarders, brood stock holders, fundraisers, drivers etc.

	human rights of the individual before doing so.	
Accident book records and any other information relating to a volunteer involved in an accident/incident at work	Lifetime of the volunteer plus 3 years or 40 years from the last entry if date of death unknown	Personal injury actions must generally be started within three years of the injury. However, for industrial injuries not capable of detection within that period the time periods may be substantially extended
Health and Safety records relating to a volunteer (including risk assessments, records as required under Health and Safety Regulations and H&S training records)	Lifetime of the volunteer plus 3 years or 40 years from the last entry if date of death unknown	
Drivers – copy of driving licence, Mot, Insurance and driver declaration form	Renewed every year, until cease volunteering	
Other Volunteer information including references, evidence of ID checks, personal details, training details	Six years after the volunteer ceases to be a volunteer	<p>The exception to this will be where either:</p> <ul style="list-style-type: none"> <li>• Guide Dogs has decided to terminate a particular volunteering role for an individual and/or terminate the volunteer relationship altogether; or</li> <li>• there has been an accident/incident, complaint or a safeguarding concern involving the volunteer (whether as perpetrator or victim); or</li> <li>• the record is “live” within the CRM system; or</li> <li>• the Criminal Records Bureau specifies when the file will be retained indefinitely</li> </ul>

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**NOTE: For insurance rather than statutory purposes basic details of the name, date of volunteering, if Disclosure needed and role undertaken of all volunteers should be held for the lifetime of the volunteer plus 3 years or 40 years from the last entry if date of death is unknown**

## Policy Papers

(please note the table below contains 3 columns and 2 rows)

Type of Document	Period of Retention	Comments
Policy Papers	Five years	This retention period is in line with the policy papers retention of government departments

## Student Records

(please note the table below contains 3 columns and 2 rows)

Type of Document	Period of Retention	Comments
Student Records	Seven years	This is standard policy for all higher education establishments

## APPENDIX 3

Our standard period for retaining personal information for Fundraising & Campaigning purposes are as follows:

We assess an individual contact as being active if they have interacted with us in the last 5 years and we will continue to contact these individuals using the lawful basis of legitimate interest unless they contact us to change their contact preferences for this period of time.

Type of Document	Period of Retention	Comments
Supporters who have made a financial gift	7 years	In line with HMRC requirements.
Information provided when registering with Guide Dogs website (including email address)	5 years (unless a gift has been made in which case data will be held for 7 years)	
Information provided relating to any events participated in	5 years (unless a gift has been made in which case data will be held for 7 years)	
Information relating to a complaint: <ol style="list-style-type: none"> <li data-bbox="156 1518 464 1592">1. From a Service User</li> <li data-bbox="156 1641 373 1765">2. From a Supporter               <ul style="list-style-type: none"> <li data-bbox="204 1738 220 1765">•</li> </ul> </li> </ol>	3 years after their last service use  5 years (unless a gift has been made in which case data will be held for 7 years)	



## APPENDIX 4

### EMPLOYEE DATA

#### Who should keep what?

Below is a detailed list of the information Human Resources and Line Managers should keep. This information should be read in conjunction with the table at the end of this Appendix.

#### Documentation to be kept on files held by HR at Central Office

The HR Department at Central Office keeps a file centrally and securely on each employee separated into payroll, pension and general sections. The file contains:

- **Personal Details** – name, address, emergency contact, date of birth, details on education & work experience, photographic ID, work visa (where necessary), tax code, national insurance number, details of any known work-relevant disability.
- **Recruitment Details** – application form, staff recruitment request and references from previous employers.
- **Employment History** - any employment history details whilst working within Guide Dogs
- **Terms & Conditions** - pay, hours of work, holiday entitlement, any other benefits such as car, pension details. The original, signed copy of the employment contract and Staff Engagement Form (SEN) and any subsequent JDC's/PDC's.
- **Absence details** – doctors certificates and details of maternity, paternity, adoption leave. Original Self Certification forms to be held with HR.
- **Termination Details** – Staff Termination Form, including monies paid (e.g. redundancy pay, notice pay, outstanding holiday pay, pension entitlement, etc.)  
**NB: documentation relating to the dismissal such as resignation letter etc. is essential to answer any questions of unfair procedure or discrimination.**

The HR Department do not hold details of employee appraisals – these should be held by the employee's line manager.

Information on job descriptions, person specifications and job evaluations are kept securely by HR in separate electronic and paper files.

Information on any employee disciplinary or grievances are kept securely by HR in separate electronic and paper files. Warnings are disregarded after a specific period subject to satisfactory conduct and/or performance, making sure there is no reference to them anywhere else in any files relating to that employee. In addition, information on Permanent Health Insurance documentation is kept securely on these case files.

**Information which should only be held by HR at Central Office (and no copies should be kept) for confidentiality and data protection reasons include:**

- Information relating to an employee's disciplinary or a grievance, including written warnings; and
- Medical certificates issued by a hospital or employee's general practitioner and Permanent Health Insurance documentation.

## **Documentation to be kept on files held by Line Manager**

Line managers should keep health and safety records on each of their direct reports containing, for example, workstation or other general risk assessment data as well as details of any accidents connected with work. Managers may also wish to keep information on their direct reports which is unlikely to be held elsewhere. Such information might include:

- Basic personal details including contact & emergency contact details.
- Notes of informal meetings
- Leave requests
- A record of annual leave
- Appraisals records and personal development plans
- Return to work documentation
- Declaration of Suitability for Working with Children and Young People

Storage must be secure and only accessible to the line manager, the senior manager

Please consult with your designated HR Consultant and the Data Protection Officer if you are unsure about what you should keep locally.

## **When an employee transfers to another role or department**

When this occurs, the outgoing line manager should review any documentation they hold on that individual and securely destroy any data that is no longer relevant. If you have any queries on this please speak to your designated HR Consultant, although as a guide all ICR / PDP records, all H&S records and a year's worth of annual leave records should be transferred to the new line manager.

## Employment Data

(Please note the table below contains 2 columns and 31 rows)

Type of employment record	Retention period or Recommendation
Job applications and interview records of unsuccessful candidates	Eight months after notifying unsuccessful candidates
Personnel and training records which may include: <ul style="list-style-type: none"> <li>• Name/address/email</li> <li>• Date of birth</li> <li>• Annual assessment reports</li> <li>• Resignation and termination letters</li> <li>• Sickness records</li> <li>• Travel and subsistence</li> </ul>	Duration of employment and six years after end of employment
Personnel and training records which may include: <ul style="list-style-type: none"> <li>• Application details</li> <li>• Qualifications</li> <li>• References</li> <li>• Job history</li> </ul>	For duration of employment

Disciplinary Records	<p>Length of the warning, plus a reasonable time afterwards, decided on a case by case basis.</p> <p>For requirements of TUPE, records will be kept for a maximum of two years, but will be removed from personnel files after the time stated above, and will be maintained separately.</p>
Grievance Records	<p>One year following closure of grievance.</p> <p>For requirements of TUPE, records will be kept for a maximum of two years, but will be removed from personnel files after the time stated above, and will be maintained separately.</p>
Written particulars of employment, contracts of employment, and any variations to the contract of employment or terms and conditions more generally	Duration of employment and six years after the end of employment.
<p>Other personnel records to include:</p> <ul style="list-style-type: none"> <li>• Gender</li> <li>• Marital status</li> <li>• Race / religion / sexual orientation</li> <li>• Next of kin details</li> <li>• Emergency contact details</li> </ul>	Duration of employment and eight months after the termination of employment
<p>Details of any ET claims brought whilst in employment, including:</p> <ul style="list-style-type: none"> <li>• ET1</li> <li>• ET3</li> <li>• Witness statements</li> </ul>	Duration of employment and eight months after termination of employment

<ul style="list-style-type: none"> <li>• Copies of the judgement</li> <li>• Details of payments made</li> <li>• Any settlement agreement signed</li> </ul>	
Equal Opportunities Monitoring Form, completed as part of our recruitment process	Eight months after notifying unsuccessful candidates
Information relating to disability	Duration of employment and six months after termination of employment
Health information (from occupational health or otherwise) and disability adjustments considered/applied and reasons if rejected	<p>Duration of employment and six months after termination of employment (three years where there is an identified risk of a personal injury claim).</p> <p>Forty years after termination of employment for employees working with loud noises</p>
Working time opt-out forms	Duration of employment and six months after the termination of employment.
<p>Records to show compliance with the Working Time Regulations 1998 to include:</p> <ul style="list-style-type: none"> <li>• Time sheets for opted out workers</li> </ul>	Two years rolling and six months from end of employment.
Record of evidence of compliance with minimum wage	Three years rolling and six months from end of employment.
Annual leave records	Six years

<p>Payroll and wage records for to include:</p> <ul style="list-style-type: none"> <li>• Details on overtime</li> <li>• Bonuses</li> <li>• Expenses</li> <li>• Benefits in kind</li> </ul>	Seven years from the financial year-end in which payments were made in compliance with HMRC audit periods.
PAYE records	Seven years from the financial year-end in which payments were made in compliance with HMRC audit periods.
Collective workforce agreements	Duration of employment and six years from end of employment
<p>Maternity records to include:</p> <ul style="list-style-type: none"> <li>• Maternity payments</li> <li>• Dates of maternity leave</li> <li>• Period without maternity payment</li> <li>• Maternity certificates showing the expected week of confinement</li> <li>• Any shared parental pay records</li> </ul>	<b>Three years</b> after the end of the tax year in which the maternity pay period ends..
Sick pay records	Three years from the end of the tax year they relate to.
Current bank details	For duration of employment and until end of employment once the final salary payment is made
Record of advances for season tickets and loans to employees	For duration of employment and and six years after repayment.
Death Benefit Nomination and Revocation Forms	For duration of employment

Consents for the processing of personal and special categories data	For as long as the data is being processed and six years afterwards.
Disclosure and Barring Service (DBS), formerly Criminal Records Bureau (CRB), checks and disclosures of criminal records forms	For duration of employment
Immigration/right to work checks	For duration of employment and two years after the termination of employment.
Pensions records	For duration of employment and 40 years after end of employment
Auto-enrolment opt-outs and cease active membership	For duration of employment and 40 years after end of employment
Auto-enrolment member name, NI number, date of birth, gross qualifying earnings in each pay reference period, contributions payable in each reference period by employer and deductions from earnings, date contributions were paid into scheme, amount of contributions due, opt-in notices, joining notices, enrolment dates, postponement notices.	For duration of employment and 40 years after end of employment
Response to reference requests	For three years from end of employment.