

## Retention and Disposal Policy

**Please note** that some of the following is also provided in the form of a flowchart – see **Appendix 2**.

### STATEMENT

Your Chapter Ltd. ('we', 'us', and 'our') is committed to respecting and protecting the privacy of individuals and to fully complying with all the requirements of Data Protection Legislation.

We have appointed a Data Protection Officer (DPO) who can be contacted via [dpo@yourchapter.co.uk](mailto:dpo@yourchapter.co.uk)

### SCOPE

#### Scope

This policy applies to all individuals employed by or working under an employment contract with Your Chapter Holdings Limited. This includes Your Chapter Limited and Oasis Adolescent Services Limited which are subject to the same terms and conditions outlined herein.

This policy applies to all our staff.

This policy, which is part of our suite of data protection related policies, must be followed in conjunction with those other policies.

There are various pieces of legislation which outline retention requirements. This policy is concerned with compliance with the;

- UK General Data Protection Regulations (the UK GDPR); and
- Data Protection Act 2018 (DPA 18)

This policy applies to all of our business activities that involve the processing of personal data. It does not apply to non-personal data.

### DEFINITIONS

**Data Protection Legislation** means the UK General Data Protection Regulation, ('UK GDPR'), the Privacy and Electronic Communications Regulations ('PECR') and (where applicable) the EU General Data Protection Regulation ('EU GDPR').

**Personal data** (aka Personal Information and Personally Identifiable Information or PII) means any information relating to an identified or identifiable person ('Data Subject').

**Data subject** means any individual whose personal data is processed by us.

Examples of our data subjects are:

- Clients/customers
- Staff and their next of kin
- Job applicants
- Suppliers of goods/service

- Business contacts

**Processing** means any use of personal data including storage, retrieval, erasure and destruction.

**Staff** means **anyone working at or for** us including:

- Board members
- Directors
- Permanent, interim, and temporary employees and workers
- Consultants
- Contractors

## PURPOSES

- To ensure all personal data is processed in accordance with Data Protection Legislation
- To respect the privacy of individuals
- To ensure personal data is processed by us in a consistent manner
- To reduce the risk of a personal data breach
- To provide guidance to staff about how to comply with Data Protection Legislation
- To clarify responsibilities and roles for implementing this policy and monitoring compliance with it.
- To ensure
  - we do not keep personal data for longer than we need it
  - the personal data we hold is not incorrect or misleading as to any matter of fact
  - we retain only the minimum amount of data we need for our business
- To assist with responding to subject access requests
- To ensure personal data that has been placed in storage can be found and retrieved quickly and efficiently
- To ensure the storage, disposal and destruction of personal data is carried out in a consistent and controlled manner

## ROLES AND RESPONSIBILITIES

Our Senior Management team have ultimate responsibility for ensuring compliance with Data Protection Legislation and this policy.

The Data Protection Officer (DPO), has responsibility to

- Remind the Senior Management team of their responsibility for ensuring our compliance with Data Protection Legislation and this policy; and
- Advise the Senior Management team how to exercise their responsibility for ensuring our compliance with Data Protection Legislation and this policy; and
- Monitor our compliance with Data Protection Legislation and this policy

Our Data Protection Group (see **Appendix 1**) has responsibility to liaise with the DPO to help ensure we comply with the Data Protection Legislation and this policy.

All staff have a responsibility to comply with Data Protection Legislation and this policy when carrying out their duties.

Line managers are responsible for ensuring staff's adherence with this policy.

Failure to comply with this policy may result in legal and/or disciplinary action.

## RETENTION

Our retention periods are driven by legislation and/or business need. We will not retain any personal data for any longer than is necessary for the purpose(s) for which that data was collected.

Different types of personal data, used for different purposes, will be retained for different periods (and its retention periodically reviewed).

When establishing and/or reviewing retention periods, the following shall be taken into account:

- Our business objectives and requirements
- The type of personal data in question
- The purpose(s) for which the data in question was collected
- Our legal basis for collecting, holding, and processing that data
- Any applicable statutory retention periods.
- The category or categories of data subject to whom the data relates

Certain personal data may be deleted or otherwise disposed of prior to the expiry of its defined retention period, where a decision is made to do so (e.g., in response to a request by a data subject or otherwise).

When a retention period ends, we delete data or anonymise it unless our Data Protection Group authorises that such data should be further retained.

For more detailed information about our retention of personal data see the **Retention and Disposal Schedule** to this policy or contact HR.

## DELETION (DISPOSAL)

Paper files are securely shredded and disposed of.

Electronic files are deleted by our IT department or a third-party provider

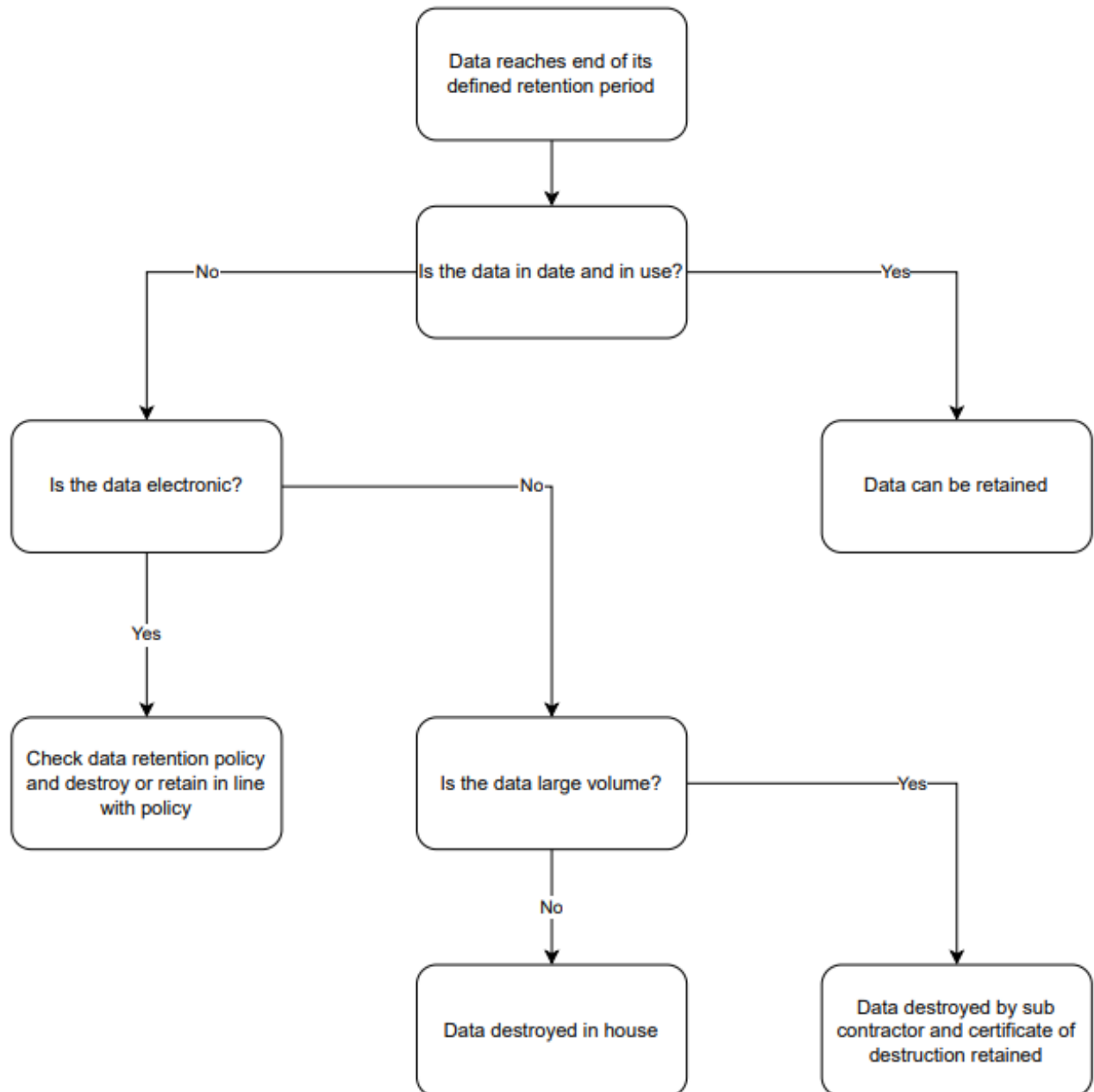
Computer equipment is disposed of securely by specialist contractors

### Appendix 1- Data Protection Group

At the time this policy was last updated, the members of our Data Protection Group were:

1. Ian Oatley, Finance Director, [Ian.Oatley@yourchapter.co.uk](mailto:Ian.Oatley@yourchapter.co.uk).
2. Paul Robinson, Operations Director, [paul.robinson@yourchapter.co.uk](mailto:paul.robinson@yourchapter.co.uk)

## Appendix 2 – Data Retention (Storage Limitation) Flowchart



### Retention and Disposal Schedule

Our Retention and Disposal Schedule sets out our retention periods. Information must be kept for the length of time defined in the Schedule unless there is a legal requirement to destroy it sooner. Non statutory retention periods are based on business need.

Record Type	Retention Period	Retention Justification/Legal Basis for Processing
<b>Employee/HR records – Statutory retention periods</b>		
Accident books, accident records/reports	3 years from the date of the last entry (or, if the accident involves a child/young adult, then until that person reaches the age of 21)	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended. Limitation Act 1980
Coronavirus Job Retention Scheme – records of the furlough agreement including: the amount claimed, claim period for each employee, the claim reference number and calculations in case HMRC need more information. For employees on flexible furlough – usual hours worked and calculations required	6 years	Statutory guidance ‘Claim for wages through the Coronavirus Job Retention Scheme’
First aid training	6 years after employment ceases	Health and Safety (First Aid) Regulations 1981
Fire warden training	6 years after employment ceases	Fire Precautions (Workplace) Regulations 1997
Health and Safety representatives and employees’ training	5 years after employment ceases	Health and Safety (Consultation with Employees) Regulations 1996; Health and Safety Information for Employees Regulations 1989
Income tax and NI returns, income tax records and correspondence with HMRC	3 years from the end of the financial year to which they relate	The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631)

Medical records and details of biological tests under the Control of Lead at Work Regulations	40 years from the date of the last entry	The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676)
Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)	40 years from the date of the last entry	The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (Sis 1999/437 and 2002/2677)
Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates	40 years from the date of the last entry (medical records); 4 years from the date of issue (medical examination certificates)	The Control of Asbestos at Work Regulations 2002 (SI 2002/2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)
Medical records under the Ionising Radiations Regulations 1999	Until the person reaches 75 years of age, and in any event for at least 50 years	The Ionising Radiations Regulations 1999 (SI 1999/3232)
National minimum wage records	3 years from the end of the pay reference period following that which the records cover	National Minimum Wage Act 1998
Payroll wage/salary records (also overtime, bonuses, expenses)	6 years from the end of the tax year to which they relate	Taxes Management Act 1970
Records relating to children and young adults	Until the child/young adult reaches the age of 21	Limitations Act 1980
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) (Sis 1999/437 and 2002/2677)
Retirement Benefits Schemes – records of notifiable events, for example, 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 (SI 1995/3103)
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence (also shared parental, paternity and adoption pay records)	3 years after the end of the tax year in which the maternity period ends	The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended, Maternity & Parental Leave Regulations 1999
Subject access request	1 year following completion of the request	Data Protection Act 2018
Whistleblowing documents	6 months following the outcome (if a substantiated investigation). If unsubstantiated, personal data should be removed immediately	Public Interest Disclosure Act 1998 and recommended IAPP practice

Working time records including overtime, annual holiday, jury service, time off for dependents etc.	2 years from date on which they were made	The Working Time Regulations 1998 (SI 1998/1833)
<b>Employee/HR records – Statutory retention periods</b>		
Assessments under health and safety regulations and records of consultations with safety representatives and committees. These include COVID-19 risk assessments	Permanently. COVID-19 risk assessments should be kept as long as they remain relevant.	Legitimate interest
Collective agreements	6 years after the agreement ends	Legitimate interest
Driving offences	Until the conviction is spent under the Rehabilitation of Offenders Act 1974	Rehabilitation of Offenders Act 1974 Legitimate interest
Disciplinary	As required but no longer than 6 years after the employee leaves the organisation	The Limitations Act 1980 Legitimate interest
Employment contracts	6 years after employment ceases	Limitations Act 1980 Legitimate interest
Flexible working requests	For 18 months following any appeal	Legitimate interest
Inland Revenue/HMRC approvals	Permanently	Legitimate interest
Parental leave	18 years from the birth of the child	Legitimate interest
Pension records	12 years after the benefit ceases	Legitimate interest
Pension scheme investment policies	12 years from the ending of any benefit payable under the policy	Legitimate interest
Performance appraisals	6 years after employment ceases	Limitations Act 1980 Legitimate interest
Personnel files and training records (including formal disciplinary records and working time records)	6 years after employment ceases	Limitations Act 1980 Legitimate interest
Recruitment information – Successful	6 years after the employee leaves the organisation	The Limitations Act 1980 Legitimate interest
Recruitment information – Unsuccessful	1 year (provision for applicant to further engage relating to process)	Legitimate interest
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy	The Limitations Act 1980 Legitimate interest
References	1 year from the date the reference is given	Legitimate interest
Right to work in the UK checks	2 years after employment ceases	Legitimate interest
Senior executives' records	6 years after employment ceases	The Limitations Act 1980 Legitimate interest

Statutory Sick Pay (SSP) records, calculations, certificates, self-certificates, occupational health reports	6 months after the end of the period of sick leave, unless there is a personal injury claim in which case 3 years, or if there's a contractual claim for breach of an employment contract 6 years after the employment ceases	Legitimate interest
Termination of employment, for example early retirement, severance or death in service	At least 6 years or until employee reaches 100 years of age	ICO retention schedule
Time cards	2 years from audit	Legitimate interest
Trade union agreements	10 years after ceasing to be effective	
Works council minutes	Permanently	Legitimate interest
Terms and conditions including offers, written particulars, and variations	Review 6 years after employment ceases or the terms are superseded	Legitimate interest
Email	During employment + 6 years	Legitimate interest
Video footage	5 years or deleted on request	Consent
<b>Client/customer records</b>		
Client contact details	Duration of contract + 6 years	Contractual Legitimate interest
Customer survey information	3 years after survey completed	Legitimate interest
Project Documentation	For the duration of the contract + 6 years	The Limitations Act 1980
Support Call Recordings	6 years or deleted on request	The Limitations Act 1980
Activity Reports	For the duration of the contract + years	The Limitations Act 1980
Hosted/SaaS Data/Payroll Processing	For the duration of the contract + 7 years where required by client for tax/reporting purposes or 8 years for health care information	Contractual Legitimate interest
Customer accounts	7 years	Companies Act/HMRC
Client invoices, Credit notes and Transactions	7 years	Companies Act/HMRC
Purchase orders	7 years	Companies Act/HMRC

Complaints Forms	6 years unless requested to delete	The Limitations Act 1980 Legitimate Interest
<b>Business contacts records</b>		
All records	3 years from end of business relationship	Legitimate interest
Suppliers Records & Transactions	7 years	Companies Act/HMRC
<b>Marketing Activities</b>		
Testimonials	5 years or deleted on request	Legitimate interest
Prospect contact details	Whilst contract remains valid	Legitimate Interest
"Opt out" contracts	Permanently on suppression list	The ICO states – The right to object to direct marketing under Article 21(3) does not prevent a controller from holding a suppression list as the list supports the individual's right to object and is held for compliance rather than for direct marketing purposes
Suppression lists	Permanent	Legitimate interest
Sales Call recordings	5 years or deleted on request (calls that lead to engagement of contractual relationship may be stored for the length of the contract + 6 years)	The Limitations Act 1980 Contractual Legitimate interest
Conference Delegate Lists	2 years	Legitimate interest
Webinar/Live Event Registrations	2 years	Legitimate interest
<b>Residential Home Records</b>		
Children's Case Records	72 years from DOB or; 15 years after date of their death (if the child dies before reaching the age of 18) or; Until such time as case records are transferred to the care of the relevant local authority	The Children's Homes (England) Regulations 2015 and The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017; regulation 59, schedule 2
Images including video, CCTV, photographs	6 years	Legitimate interest
Audio recordings	6 years	Legitimate interest

Reception sign-in record	6 years	Legitimate interest
Other residential home records	15 years from the date of the last entry	Legitimate interest

**This policy was last updated on 20/11/2024**