

**The Sensory Hive Ltd**

**Data Retention & Destruction of Operational Records Policy**

| **Date:** 29/03/24 | **The Sensory Hive LTD** | **Address: Weyman Avenue, L35 2YW** |
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| **Review Date:**  29/03/25 | **Ref**: Data Retention & Destruction of Operational Records Policy | **Assessor:** Hayley Peden |
| **Review Date:** | **New Ref/Version:**  | **Signed:**  |
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**1 Introduction**

1.1 This Data Retention & Destruction of Operational Records Policy has been approved by the Board of Directors of The Sensory Hive Ltd. The organisation is registered with the Office of the Information Commissioner with registration number ZA539393.

1.2 The Data Retention & Destruction of Operational Records Policy will enable the Organisation to comply with the requirements of data protection legislation. Furthermore, this policy will enable the Organisation to manage and track documents and assist in providing openness and transparency to employees and the public.

1.3 The Data Retention & Destruction of Operational Records Policy is required to support the organised creation, retrieval, appropriate storage and preservation of the Organisation’s operational records. In addition, it is essential to support the appropriate disposal of documents with no continuing business, legal or historical significance.

1.4 As an Organisation, the actual period for records to be kept will depend on a number of factors, including but not necessarily limited to:

* legal requirements;
* storage costs;
* the Organisation’s need to access the document;
* historical value;
* industry standards or best practice;
* archival needs (permanent preservation);
* decision by senior management (in the absence of guidance on the above).

**2 Scope of the Policy**

2.1 This policy encompasses:

* records created by or on behalf of the Organisation and staff in their duties for the Organisation
* records received by any member of staff in the Organisation
* hard copy and electronic records including but not necessarily limited to Internet and Intranet sites, databases, emails, images, films and videos.

**3 Data Protection**

3.1 This policy will ensure that the Organisation is complying with applicable data protection legislation, which requires that we do not retain personal data for longer than is necessary.

3.2 To comply with the principles of data protection legislation, the Organisation must:

* only keep information for as long as there is a business need;
* keep records secure, whether electronic or paper;
* ensure records are retrievable and easily traced;
* allow a person access to information held about them, should they request it.

3.3 It follows that the Organisation must:

* destroy papers and electronic data for which there is no continuing business need and send papers that cannot be destroyed to archive for as short a time as possible;
* keep data secure while it remains in any office;
* keep track of where information is stored;
* continue to apply these good practices to avoid stockpiling papers in the future.

**4 Policy**

4.1 All records created by or on behalf of the Organisation belong to the Organisation. This includes any rights or copyright in the context, except where specifically provided under copyright legislation.

4.2 All records received on behalf of the Organisation as part of its business will be its property, which may be disposed of or released as the Organisation sees fit or as required by law. Originators’ and owners’ rights will be fully respected in accordance with legislation.

4.3 Responsibility for depositing and disposing of archive records lies with the Directors of each operation as the information asset owner. It is their responsibility to ensure that complete and accurate records are retained in line with legislative requirements and agreed best practice.

Responsibility for managing and tracking records lies with the relevant Director who:

* Will determine if a file is no longer required for current business usage, which can then be added to the archive.
* May choose to retain records for longer than the indicative periods given in the retention schedule, for example, if they consider records to be of significant historical value or if the issue they are concerned remains ‘live’.

**5 Record Keeping**

Records will be reviewed against the record retention schedule on an annual basis. Records that have passed their retention period and have no current ad-hoc requirement to retain the information (e.g. current or pending legal action or complaint) will be presented to their information asset owner for confirmation that disposal should be undertaken. A record will be maintained documenting, as a minimum, the record type, name of the record, any further metadata that will enable subsequent identification of the record being disposed (e.g. date range); date of disposal, authorising officer name and role. The decision of the information asset owner will be countersigned by the Centre Manager.

**6 Secure Disposal**

All deleted records will be disposed of in a secure manner. In the case of paper records, these will be shredded and all information passed through confidential waste, which is then disposed of in a confidential manner. No shredded paper records will be passed through the general paper disposal process. In relation to electronic records these will be irretrievably deleted.

**Disposal and Retention Considerations**

 Each of the following questions and guidance underneath them should be considered prior to the disposal of any document.

1. Has the document been appraised?

* Check that the nature and contents of the document is suitable for disposal.

2. Is retention required to fulfil statutory obligations or other regulatory obligations?

Specific legislation setting out mandatory retention periods for documentation held by The Sensory Hive Ltd is very limited, but includes the following:

* Tax legislation – minimum retention periods for certain financial information are stipulated by the VAT Act 1994 and the Taxes Management Act 1970.
* HMRC legislation – minimum retention periods for employee processing payroll
* NHS Records Management Code of Practice 2021

3. Is retention required for evidence?

* Keep any documents which may be required for legal proceedings until the threat of proceedings has passed.

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

* Consider whether the document in question may be useful for future reference, as a precedent or for performance management purposes.

**Records Retention Schedule**

| **Data Type** | **Retention Period** | **Disposal Action** |
| --- | --- | --- |
| **HUMAN RESOURCES** |
| Personnel Files | 7 years after departure of staff member | Review and destroy if no longer required |
| Files and details of disciplinary Proceedings | 7 years after departure of staff member | Review and destroy if no longer required |
| Recruitment (applications and interview documents) | 12 months after recruitment | Review and destroy if no longer required |
| Unsuccessful employment applications /interview notes | 12 months after interview date | Review and destroy if no longer required |
| Holiday and Sickness allowance | 7 years after departure of staff member | Review and destroy if no longer required |
| Passport/ Right to work | 2 years after departure of staff member | Review and destroy if no longer required |
| Photographs | 2 years after departure of staff member | Review and destroy if no longer required |
| Bank Details | Until departure of member of staff | Review and destroy if no longer required |
| Emergency Contacts | Until departure of member of staff | Review and destroy if no longer required |
| Volunteers Personnel Files | 7 years after departure of volunteer | Review and destroy if no longer required |
| Working Time Regulations 1998 | Keep working time records for a period of 2 years from the date on which the records were made that are adequate to show, where applicable, the maximum weekly limits are being complied with. | Review and destroy if no longer required |
| Staff training records  | Records of significant training must be kept until 75th birthday or 6 yearsafter the staff memberleaves. It can be difficult to categorise staff training records as significant as this can depend upon the staff member’s role. The following is recommended:1. clinical training records - to be retained until 75th birthday or six years afterthe staff member leaves, whichever is the longer2. Statutory and mandatory trainingrecords - to be kept for ten years after trainingcompleted3. Other training records - keep for six years after training completed | Review and destroy if no longer required |
| **FINANCE** |
| Tax | 7 years  | Review and destroy if no longer required |
| Accounts | 7 years | Review and destroy if no longer required |
| Payroll | 3 years | Review and destroy if no longer required |
| Income Tax (Employments) Regulations 1993  | Required by law to keep pay-related records for income tax and national insurance purposes for not less than 3 years after the end of the financial year to which they relate. | Review and destroy if no longer required |
| Donations  | 6 years Retention begins at the CLOSE of the financial year to which they relate. | Review and destroy if no longer required |
| Staff salaryinformation orfiles | 10 yearsRetention begins at the CLOSE of the financial year to which they relate. | Review and destroy if no longer required |
| Employee Expenses | 6 yearsRetention begins at the CLOSE of the financial year to which they relate. | Review and destroy if no longer required |
| Associate OT Invoices/ Expenses | 6 yearsRetention begins at the CLOSE of the financial year to which they relate | Review and destroy if no longer required |
| Invoices | 6 yearsRetention begins at the CLOSE of the financial year to which they relate | Review and destroy if no longer required |
| Petty Cash | 6 yearsRetention begins at the CLOSE of the financial year to which they relate | Review and destroy if no longer required |
| Statutory [Maternity Pay](https://www.davidsonmorris.com/maternity-rights-at-work/) (General) Regulations 1986 | Required by law to keep statutory maternity pay records for a period of 3 years after the end of the tax year in which the maternity pay period ends, including the medical certificate (Mat B1), together with records of leave dates and pay. | Review and destroy if no longer required |
| Statutory [Paternity Pay](https://www.davidsonmorris.com/paternity-rights-at-work/) and Statutory Adoption Pay (Administration) Regulations 2002 | Required by law to keep statutory paternity and adoption pay records for a period of 3 years after the end of the tax year in which the pay period ends. | Review and destroy if no longer required |
| Statutory Sick Pay (General) Regulations 1982 | Required by law to keep statutory sick pay (SSP) records for at least 3 years after the end of the tax year to which they relate, including records of dates of a person’s period of incapacity for work and records of all payments of SSP you made during that period. | Review and destroy if no longer required |
| Meeting Minutes  | Records must be kept for at least ten years from the date of the meeting.  | Review and destroy if no longer required |
| Emails | Typical retention periods: 1 to 7 yearsEveryday workplace matters: 3 yearsSome email data may need to be kept indefinitely eg safeguarding. | Review and destroy if no longer required |
| **CLIENTS** |
| OT Clients’ records -can includemedical illustrations, aswell as video and audioformats | Up to 25th or 26th birthdayRetain until 25th birthday, or 26th if the patient was 17 when treatment ended. | Review and destroy if no longer required |
| Clinical diaries  | Two years after the year to which they relate.Diaries of clinical activity and visits must be written up and transferred to the main patient record. If the information is not transferred from the diary (so the only record of the event is in the diary), then this must beretained for eight years and reviewed. | Review and destroy if no longer required |
| Referrals –NOT ACCEPTED | 2 years Retention period begins from the DATE OF REJECTION | Review and destroy if no longer required |
| Clients’ party/event forms | 3 months after party/event | Review and destroy if no longer required |
| Voucher Database | Individual clients to be erased once voucher is redeemed | Review and destroy if no longer required |
| Personal client data and work specific documents and data including registers of attendance  | 12 months | Review and destroy if no longer required |
| Gym waivers | 12 months | Review and destroy if no longer required |
| **HEALTH AND SAFETY** |
| Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) | Required by law to keep for at least 3 years from the date on which they were made, any reports of serious workplace accidents, the diagnosis of occupational diseases and incidents of specified dangerous occurrences.  | Review and destroy if no longer required |
| Safeguarding records | Kept until the child is 25 (this is **seven years** after they reach the school leaving age) | Review and destroy if no longer required |
| Incidents – serious  | 20 yearsRetention begins from the date of the Incident – not when the incident was reported. | Review and destroy if no longer required |
| Incidents – notserious | 10 yearsRetention begins from the date of the Incident – not when the incident was reported. | Review and destroy if no longer required |
| Incidents requiringinvestigation | 20 years These include independentinvestigations into incidents. These may have permanent retention value so consult with the local PoD. | Review and destroy if no longer required |
| **ESTATES** |
| CCTV | 1 month | Automatically deleted after 1 month |
| Equipment monitoring –general testing and maintenance work | Lifetime of installationRetention begins from the completionof the testing and maintenance. | Review and destroy if no longer required |